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the annual Report of the Council of the Incorporated Law ety, inserted in our last week's number at p. 776, under the "Chancery Fund Commissions," we refer to a document te p. 728, as the report of a committee of that society. document intended to be referred to by us is that in- *ante* p. 728, under the head "The Accountant General's artment of the Court of Chancery," being observations and estions of the Equity Sub-Committee of the Metropolitan Provincial Law Association, in relation to the Accountant eral's Department.

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 5, 1861.

CURRENT TOPICS.

At the approaching meeting of the Metropolitan and ovincial Law Association, which will be held at Wor- er on the 9th inst., the following papers will be d:—

Mr. John Morris.—On Fraudulent Trade Marks.
Mr. Arthur Ryland. — On Registration of Trade arks.
Mr. W. Shaen.—On Professional Education.
Mr. C. A. Smith.—On Action for Malicious Prosecu- n, &c.
Mr. John Turner.—On Justice and its Miscarriages.
Mr. Thomas Dry.—On the Avoués of France.

The Solicitors' Benevolent Association will hold its lf-yearly general meeting in the lecture room of the orcestershire Natural History Society, Foregate- reet, Worcester, on Wednesday next, the 9th instant. he meeting will be open to the profession generally, d the presence and co-operation of their professional rethren are earnestly invited by the directors. From e half-yearly report of the directors, recently issued, appears that since the general meeting in April last hty-five new members have joined the Association. he aggregate number of solicitors now enrolled in the ociety is 1,090, of whom 408 are life members and 2 are annual subscribers. The receipts during the last lf-year have amounted to £755 11*s.* 4*d.*, out of which e directors have invested the sum of £500. It appears at the funded capital of the Society now amounts to 5,159 9*s.* 11*d.* £3 per Cent. Consols, the dividends ising from which, amounting to £154 16*s.*, is the only nd at present applicable for the objects of the Society. he directors express an earnest hope that those mem- rs of the profession who have not yet contributed the funds of the Society will now do so, in order that benevolent objects may be carried out to their llest extent. We have on previous occasions urged e claims of this excellent Association, and we can only peat that the objects it has in view are such as to ntitle it to the warmest sympathy and most liberal pport from all members of the profession.

The courts of the revising barristers are now in full peration throughout the country, and deserve atten- ion on account of the extraordinary form which their roceedings are gradually assuming. The practice in hese courts is becoming organized into a system which hreatens to take it altogether out of the hands of egular practitioners. It seems probable that the uitors, if they may be so called, will soon be represented xclusively by the registration agents of the two great pposing parties into which it is assumed for the urpose in hand the country is divided. What the abstract and transcendental principles of Liberalism or Conservatism may, be considered apart from the merits of any particular candidate or any definite question of politics, it is not our province to determine, nor have we, fortunately, to make choice between them, though it is taken for granted, at least for registration purposes, that every- body must accept either one or the other. These dis- tinctions belong to the region of politics, into which we strictly refrain from entering. We are anxious only to prevent politicians encroaching upon the province appropriated to practitioners of the law. It seems that, besides the two recognised agents above mentioned, there exists on behalf of each party an unrecognised agent, whose function it is to supply the raw materials of litigation, in the shape of objections to the voters on the register, and who passes under the high sounding title of "the objector-general." Perhaps it would be safer to confine our observations to the office of the objector-general, without going so far as to assert that there is always an officer to fill it; for the functionary in question, whether it be that he exists only in the form of his office, or whether kept in the background by the ap- prehension of penalties for groundless objections, though much called for and sought after, is seldom forthcoming. As a specimen of the efficient way in which he performs his duties, however, we find that in Middlesex the objector-general on one side made and served no less than 4,000 objections, each objection involving four notices, and each notice, besides the filling up, requiring a separate signature by the hand of the objector him- self. Now objections to the register, it is well known, can only be made by a person properly qualified and duly registered himself, and with an exact observance of all the statutory regulations; all which requirements must be sufficiently proved as a condition precedent to the Court entertaining the objection. In the absence of the objector-general himself, great difficulty is naturally found in furnishing available proof of these matters, notwithstanding the zeal and ingenuity of the agents who appear in support of his objections. The revising barristers, as may be imagined, are by no means favourably disposed to this whole- sale mode of supplying work for the court, and are equally ingenious in defeating the objections by detect- ing flaws in the preliminary proofs. In the case above referred to the signatures of the notices were proved by an actual eye-witness of that remarkable feat of signing, but proof of other essentials has not been so readily produced; and such points as the identity of the objector, proof of the posting, of the objection, proof that the place of posting was a post-office, that the stamp was a post-office stamp, and others of a like kind, have raised formidable obstacles to the progress of the objections, and have furnished the means of knocking them off by hundreds. The business of the Court thus consists chiefly of very sharp fencing with the rules of evidence between the rival agents; and perhaps it is rather matter of wonder, considering the complicated pro- cess required for bringing a voter to defend his vote, and that the judges themselves are often the first to raise the objections to the evidence, which they afterwards adjudi- cate upon, that any cases at all get safely through to a hearing. The presiding judges, however, profess to show more consideration for independent objections *bonâ fide* taken for the purpose of correcting the register than for the objections thrown broadcast by the objector-general. The first question which occurs to every one in regard to the practice thus described is the general one, whether this is the mode of correcting the register intended by the Legislature, and whether it was really contemplated to make the register the battle-field for political parties. Another important question occurs as to the conse- quences to the individual voter. The voter served with an objection has the opportunity of entrusting the de- fence of his vote to a registration agent instead of his own solicitor, and has an obvious interest in so doing;

for by that means he pays his law expenses with his vote instead of with his money. In plain language, he sells his vote to the party to whom he becomes compromised by accepting their services in securing it to him. The transaction, in a political view, is a species of bribery and corruption, and in a legal view savours strongly of champerty and maintenance. With the political view of the question we disclaim any interference; but the monopoly of a large amount of legitimate law business by the agents of political associations seems a matter of serious consideration for the profession.

THE LANDED ESTATES COURT—TRANSFER OF TITLE IN LAND.

No. III.

Statistics by decades are likely to be fallacious. This, however, is the only form in which the Solicitor-General for Ireland has dwelt upon the successful working of the Court. It is the supernbundance of causes adjudicated upon in the first years that gives a good average to the records of the decade. We do not think, indeed, that the Court has become unpopular in Ireland; we only mean to say that the argument advanced in its favour, on the ground of its rapid and constant despatch of a vast amount of business, wants foundation. Besides the extreme degree to which the properties brought under the Court in the first years of that tribunal's existence were encumbered, another cause powerfully contributed to gain public favour for the Court. This cause was the condition in which chancery procedure was in Ireland in 1849. Sales of land were not ordered by the Court of Chancery until the priorities of incumbrancers had been adjusted. Upon the unnecessary tediousness of this system we need not now comment. Such delays seldom serve any useful purpose, as the fund in Court, constituting the proceeds of the sale, may be made to represent the estate sold for all necessary purposes. The Irish chancery procedure, however, was in the condition we have described at the period when the Incumbered Estates Court was first established. But the latter tribunal at once ordered a sale in every case when the Court had ascertained that it had jurisdiction to sell; the adjustment of priorities being a matter of subsequent arrangement by the Court. It may be observed that an incumbrancer did not really touch his money one minute sooner under this procedure than he would have under the old. But the presence of money in Court gratified all parties, and the incumbrancer was at all events in the sight of his perhaps long-lent investment. A prompt sale, besides affording mental tranquillity to the incumbrancers of the estate sold, effected real good for the tenants. It demolished the receiver, removed an insolvent owner, and substituted one who was not, like his predecessor, obliged to anticipate the gale day, and be the debtor, instead of the creditor, of his tenants. The Landed Estates Court was thus wafted with a promising breeze before the Irish public. Properties were rapidly brought under the judicial hammer, and if the proceeds were not disbursed with a rapidity proportioned to the expectations of suitors, receivers, at all events, were abolished, and the country improved under solvent landlords and in prosperous times.

Notwithstanding the change of chancery procedure effected by the 13 & 14 Vict. c. 89 (the Irish Chancery Regulation Act, 1850), few in Ireland cared to enquire whether the old Court would act up to its new calling, since there was a young and vigorous rival in Henrietta-street which had no old habits to unlearn. Now, that the altered procedure in chancery has been tried and found to work well, we cannot see the utility of having two judicatures appointed to administer the same class of business, and we altogether concur with Mr. Whiteside, who has already done so much for the reform of Irish common law procedure, in the opinion that a consolidation of the Landed Estates Court with the Court of Chancery is as desirable on every ground, as it appears to us to be a natural development of the former tribunal, if it is to become a permanent institution. A division of labour is practicable and useful in works of toil, or of art. A similar division of duties is seldom practicable in abstract matters which depend for their due realization upon principles of science, philosophy, or even of positive law. A pin takes ten men to make it, but, if there were ten directors of the pin factory, there would doubtless be the usual results of a divided leadership. There are few more gross fallacies than the notion that a mutual isolation of our judicatures is desirable. For that opinion implies that the client has a knowledge of the legal bearings of his case, and knows to which tribunal he should apply. Many, however, are deceived by the specious phrase—division of labour, and think that a system of jurisprudence may be administered on principles which apply only to the lower walks of art. There should doubtless be but one set of guiding principles and laws for courts which administer similar functions. The division of judicatures which we are now discussing is seldom indeed likely to mislead any one; at least to such a degree as that he may not obtain redress in one of the tribunals, if he is entitled to it in the other. Under the original Incumbered Estates Act, however, the special nature of that judicature, which depended for the definition of its powers solely upon the words of a single statute, might readily have led to inconvenience. Thus, suppose a petition presented against a tenant for life, who was considered by the incumbrancer to be a tenant in fee or a tenant in tail, and, after several proceedings, suppose that the commissioners, upon a re-perusal of an ill-drawn will, considered that the supposed owner took only a life estate, —they should of course dismiss the suit. But, if the petitioner in such a case had proceeded in chancery, he would obtain a decree for sale of the life estate. All unnecessary distinctions of tribunals into separate classes are to be deprecated upon principle, even though the inconveniences of the division might not be as obvious as they are as regards the tribunals, the functions of which we are discussing. It is, moreover, an inconvenient system of procedure that requires decrees, after being pronounced by the Court of Chancery, to be carried out by the Landed Estates Court. We pointed out, *ante* p. 506, the inconvenience of compelling suitors in chancery to resort to the Court of Probate to obtain administration, and showed the expediency of having these judicatures consolidated. The arguments which we there urged are equally applicable to the subject of our present observations. If the Landed Estates Court is to become a permanent adjunct or element of the Irish system of judicatures, it should, doubtless, be completely amalgamated with the more ancient tribunal, with which it is at present so closely allied.

The *Times* of the 20th ult., in a leading article on the Landed Estates Court, observes:—"There are few people who wish to see half a county with all its territorial rights and appendages, quite as transferable as £100 Consols." We should not, indeed, desire to see British soil, which is the chief basis of our political and social system, rapidly changing hands. But we do not coincide with the opinion implied in the passage we have cited from our contemporary, viz.—that it is desirable that there should be legislative checks to the transfer of land, if we except such as the Statute of Frauds, and the 8 & 9 Vict. c. 106, require, for the ensuring of caution and deliberation on the part of individuals. Consols, although so negotiable, are not constantly changing hands. No great proportion of the whole National Debt is yearly sold, and even of that amount, a considerable proportion is, doubtless, sold for the purpose of investment in land. We do not think, therefore,

that if a conveyance in fee simple could be as easily perfected as a transfer of stock may be made at present, that such a capability of transfer would induce landed proprietors to dispose of their estates, or to have agents in Capel Court where the prices of their lands could be quoted with daily variations. There is nothing inherent in the nature of landed property to prevent it from being as negotiable as merchandise, or stock. Although ponderous in its own substance, it is not that substance which is sought to be conveyed to a purchaser of it, but merely a right to enjoy it; neither is it the substance of merchandise or of stock, which is obtained by a purchaser of these respectively, but merely a right to enjoy or sell the former, and a right either to obtain a certain sum of money from the Government for the latter, or to re-sell it. Rights, and rights alone, are necessarily the subjects of transfer, and, consequently, of law in either of these three cases. These rights are equally intangible, and equally incorporeal, in the three cases mentioned, notwithstanding the diversity of subject matter to which they respectively relate. But, though so ideal in their own nature, they all admit of transfer, and may be alike transferred with equal facility. Notwithstanding, however, that rights to land, merchandise, ships, shares, or stock may be made equally negotiable, it is, on the other hand, impossible that either of these classes of property can be perfectly negotiable, and that the purchaser should, at the same time, be bound to see to the discharge of the trusts with which any such property may be burdened. Would consols be as transferable as they are at present if the Bank incumbered its books with notices of trusts of stock and if the law affected purchasers of such with notice of the trusts thereon charged? If stock, therefore, could not be readily transferred in the case supposed, why do persons chimerically expect that land can be endued with the quality of being readily transferred, and, at the same time, that the purchaser is to look to the discharge of the trusts imposed on it? We cannot at one and the same time enjoy advantages that are contradictory of one another. Land cannot be made to flit rapidly through brokers' offices and purchasers at the same time be bound to discharge the trusts charged on land. We must, therefore, make an election. We must either prefer the interests of those making family settlements or of purchasers of land. In a new country, such as Australia, upon the conveyancing system of which we commented, *ante* pp. 176, 196, the interests of agricultural trade are properly deemed paramount to the occasional requirements of family settlements. The state of agriculture in Ireland offers likewise an excuse for the abnormal tribunal upon the constitution of which we have here commented. But the enormous extent to which many Irish properties were incumbered, and the state of the Irish Chancery procedure down to 1850, offer much more cogent reasons for the first establishment if not for the continuance of the Landed Estates Court—an institution which the Irish system of registration deprives of many of its naturally noxious tendencies. In England, however, what perhaps gives an especial value to land is its security as a basis for family settlements, and neither the requirements of agriculture nor the indebtedness of the landowners is so urgent as to require that the interests usually protected by settlements of land should be sacrificed for the purpose of expediting the deduction of title.

Recent Decisions.

HOUSE OF LORDS.

SUCCESSION DUTIES ACT, 16 & 17 Vict. c. 57—BARRING AN ESTATE TAIL—DISPOSITION AND DEVOLUTION.

Lord Braybrooke v. *The Attorney-General*, 9 W. R. 601.

It was observed by the late Lord Chancellor, in a case to which we shall presently refer, that one of the intentions of the Legislature, in passing the Succession Duties Act, was to provide "that like interests in property should be subjected to like duties, wheresoever throughout the United Kingdom the property might be situated." The design was to make the operation of the Act equal, whether it took place in England or in Scotland. In order to effect this object, the framers of the Act were compelled to construct a new nomenclature, by giving to words of ordinary use, a legal significance hitherto unknown. They had to select terms which should be comprehensive enough to include estates under both Scotch and English law, and not so technical as to exclude either the one or the other. Thus in the 2nd section of the Act, all successions are divided into successions by "disposition," and successions by "devolution." The person entitled to a succession is called a "successor;" and the term "predecessor" denotes the person from whom the succession is "derived." Three new terms of art, at least, namely "disposition," devolution," and "derivation," have been introduced into the legal vocabulary; and the necessary consequence has been a not unfrequent controversy between the Crown and the subject, as to who is, and who is not, in a given state of circumstances the predecessor from whom, whether by "disposition" or "devolution," the succession is "derived." The general principle of law, applicable to all cases of this nature is, that the subject is not to be taxed, except upon the clearest language, and that where a dispute arises as to the amount of tax payable, it is for the Crown to establish its right.

The points raised for the decision in the House of Lords in *Lord Braybrooke* v. *the Attorney-General* were two: one relating to the amount of duty payable in respect of the real estates, the other as to the duty payable in respect of an annuity charged upon the estates. Each of these may be considered separately. First, as to the estates. By the 2nd section of the Act (which was passed on the 4th of August, 1853, and is to be taken to come into operation on the 19th of May previous) it is provided that "every past or future disposition of property by reason whereof any person has or shall become beneficially entitled to any property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this Act, and every devolution by law of any beneficial interest in property, or the income thereof, upon the death of any person so dying, shall be deemed to confer on the persons entitled by reason of any such disposition or devolution a 'succession,' and the term 'successor' shall denote the person so entitled, and the term 'predecessor' shall denote settlor, disponer, testator, obligor, ancestor, or any other person from whom the interest of the successor is or shall be derived." Sect. 12 provides that "where any person shall take a succession under a disposition made by himself, then, if at the date of such disposition he shall have been entitled to the property comprised in the succession expectantly on the death of any person dying after the time appointed for the commencement of this Act, and such person shall have died during the continuance of this disposition, he shall be chargeable with duty on his succession at the same rate as he would have been chargeable with if no such disposition had been made." By s. 13, where the successor shall derive his succession from more predecessors than one, and the proportional interest derived from each of them shall not be distinguishable. . . in the absence of any agreement, the successor shall be deemed to have derived his succession in equal proportions from each predecessor, and shall be chargeable with duty accordingly.

It was upon the construction of these clauses principally that the following decisions turned, to which *Lord Braybrooke* v. *The Attorney-General* forms a sequel. In the case of *Re Jenkinson* (1857), 24 Beav. 64, it appeared that in the year 1852, A., the tenant for life, and B., the remainderman in tail, executed a disentailing deed, reciting that A. was desirous to make a settlement on his daughters, his only issue, and that for that purpose B. concurred in the execution of the deed. On the following day another deed was executed, reciting that it had been agreed that A. should secure an annuity of £2,250 to B. for A.'s life, and that in consideration thereof B. should join with A. in charging the property with £25,000. Accordingly, A. covenanted to pay B. the annuity of £2,250, and A. and B. appointed the estates in the event of the death of A. without male issue, to trustees for a term, on trust to raise the £25,000, of which £5,000 was to go as A. should appoint, and £20,000 was settled on the daughters. Subject thereto the estates were appointed to B. absolutely. On the death of A. in 1855, the daughters petitioned the Court of Chancery for the money (the trustees having paid it in), and the question arose as to the amount of duty payable on the fund. The petitioner contended that the £20,000 was a debt, which might

have been recovered against B.'s reversionary estate, and that it was therefore not chargeable, under the 17th section of the Act; or it was an incumbrance created by B. himself, and that no allowance was to be made to him in respect of it, under the 34th section; in other words, that the duty was payable by him. Or, lastly, it was a succession from A., the petitioners' father, not from B., their cousin, and therefore liable to no more than £1 per cent. On B.'s behalf it was contended that the £20,000 was a reversionary interest to which B. was originally entitled, and which was now vested in the petitioners by alienation, and that they were therefore chargeable under the 15th section with the same duty as B. himself would have been chargeable with—viz. £5 per cent. (B. having been the nephew of A.). The Crown contended that there were two predecessors in this case, A. and B., and that, in the absence of any agreement under the 13th section, the property must be chargeable, as to one moiety at the rate of £1 per cent., and as to the other at the rate of £3 per cent. The Master of the Rolls decided, first, that the £20,000 was not a debt under the 17th section, inasmuch as the petitioners were not contracting parties; secondly, that it was not a reversionary vested interest, being contingent on the death of A., without male issue; thirdly, that it was a charge emanating from A., for the benefit of his daughters, for joining in which B. received valuable consideration. A., therefore, alone, and not B., was the predecessor under the 2nd section. It might have been otherwise had the provision flowed from the bounty of B. Hence £1 per cent only, on the whole fund, was payable by the petitioners. As to the £5,000 the Master of the Rolls treated it as a debt contracted for between A. and B. The important feature in this decision was, that, although A. and B. concurred in making the provision for A.'s daughters, who were also B.'s cousins, yet that as B. received valuable consideration for what he gave up, A. was held to be the sole "predecessor" of the daughters.

The case of *The Attorney-General* v. *Sibthorp* (1858), 3 H. & N. 424, occurred in the following year. Under the will of A. Colonel S., his brother, was tenant for life, and Major S., the eldest son of Colonel S., was tenant in tail in remainder. In March, 1848, Colonel S. and Major S. executed a disentailing deed, and by another deed on the following day, the estates were conveyed to trustees on trust, subject to the payment of £1,000 per annum to Major S., during the joint lives of Colonel S. and himself, for Colonel S. for life, remainder to Major S. for life, with remainder over in tail to his sons in succession. Colonel S. died in 1855. Two questions arose: one, as to the estates, whether Major S. succeeded under the will of A., his uncle, in which case he would, as the Crown contended, have to pay £3 per cent., or under the deeds of 1848, in which case he would have to pay, as he said, nothing; or, at all events, only £1 per cent. in respect of a moiety. The other question was as to the £1,000 annuity, which will be noticed hereafter. The Court decided for the Crown on both points. They laid down in broad terms the rule which has since been confirmed by the Lord Chancellor Campbell, that it is not in the power of a tenant in tail in remainder to defeat the operation of the statute by joining with the tenant for life in the ordinary arrangement for barring the entail and re-settling the estates. The Court of Exchequer arrived at this conclusion, but the judges differed widely as to their reasons. The Chief Baron thought that the effect of the deeds of 1848 was to leave the succession just were they found it. Baron Bramwell, on the other hand, thought that section 2 had no application. He decided the case on section 12, upon which he thought the argument was irresistable. He considered that the son took a succession under a disposition made by himself, and that he was liable under that clause to the same rate of duty to which he would have been liable, if such disposition had not been made by him. With reference to the 13th section, he considered that the son took nothing from the father, consequently that he did not take from more predecessors than one, and therefore the £3 per cent. duty was payable on the whole succession. Baron Watson in like manner decided the case solely on the operation of the 12th section.

The next case is that of *The Attorney-General* v. *Baker* (1859), 4 H. & N. 26, which turned entirely upon the construction of the 2nd clause. John P. having died intestate, his brother, Wadham P., administered. Mrs. S. claimed a share of the estate as being a daughter of the intestate's sister; but her right was disputed or doubted, and thereupon an arrangement was entered into between Wadham P., and Mr. and Mrs. S.; and by two deeds a sum of £30,000 was settled on the husband for life, afterwards on the wife for life; and afterwards on the children, as they should jointly appoint; and the husband and wife gave a release to Wadham P. They afterwards appointed £2,000 to one of their sons under the power. The question was, who was the "predecessor" of this son, under the 2nd section; whether his mother, as he contended; or Wadham P., a stranger in blood, as was said on behalf of the Crown. The decision of the Court was arrived at with considerable difficulty, and with some dissent. Baron Watson thought that, inasmuch as the £30,000 moving from Wadham P. was given in consideration of the release, he could in no sense be held to have been the originator of the trust for the son of Mrs. S.; and consequently that the mother was the settlor and predecessor. The Chief Baron and Baron Martin considered the facts as stated in the special case to be so uncertain that the Crown must be held to have failed in establishing its claim. It did not clearly appear whether Mrs. S. thought she had a just claim, but could not satisfactorily establish it; whether she had a perfect claim, and the £30,000 was her proper proportion; or whether she thought her claim doubtful, and so accepted the sum of money as a satisfaction. Under these circumstances it was impossible, they thought, to do more than guess that she was the predecessor. Mr. Justice Channell leaned to the opinion that Wadham P. was the predecessor.

The Attorney-General v. *Lord Braybrooke* (May, 1860), 8 H. & N. 588, is a case confessedly undistinguishable in its circumstances from *The Attorney-General* v. *Sibthorp*. By will in 1796, A. devised estates to his cousin B. for life, remainder to C., the eldest son of B., for life, remainder to the first and other sons of B. in tail male. After the death of B., C. and his first son D., in the year 1841, barred the entail; and in 1850 the estates were re-appointed to the use that D. should receive an annual rent charge of £1,200 during the joint lives of himself and C., and subject thereto, to C. for life, remainder to D. for life, remainder to his first and other sons in tail. Upon C.'s death in 1858 the question arose. The Court of Exchequer, following *The Attorney-General* v. *Sibthorp*, decided in favour of the Crown. The Chief Baron, in delivering the judgment of the Court, said they considered "the father could not, in any sense, be the predecessor of the son in reference to his present beneficial interests; and that the transaction was not anything more than a resettling of the family estates." There appears to be no reference whatever in this judgment to the operation of the 12th clause of the Act. The opinion of the Chief Baron seems to have been that the deeds of 1841 and 1850 were wholly inoperative upon the succession, which must be traced back to A. the original settlor, and that duty must be paid by D. as the successor of A. With reference to clause 13 he says it down that D. "never was and never could have been his own predecessor."

We shall find how far this view has been since modified, but before proceeding to consider the judgment of the House of Lords in the last case, we may notice an intermediate decision of *Lord Saltoun* v. *The Lord Advocate* (June, 1860), 3 Mac. App. Cas. 659. Lady S. by deed of entail in 1846, according to the forms of Scotch law, limited estates to Lord S., her only surviving son and the heirs of his body, whom failing, to A. F., eldest son of a deceased son of Lady S., and the heirs of his body. After Lady S.'s death, Lord S. took the estates, and died in 1853 without issue, whereupon A. F. succeeded. Was A. F. to be considered the successor of his grandmother or of his uncle? According to Scotch law, property can be entailed on a series of heirs *ad infinitum* (subject to the tenant in tail, with certain consents, being able to disentail the property); and the theory of law is that the whole fee is vested in each successive tenant in tail, subject to restrictions as to sale, incumbrances, and non-alteration of the series of heirs. When one tenant in tail dies, his successor must "prove himself heir" to the deceased tenant in tail. The tenant in tail corresponds mainly to tenant for life according to English law. The Lord Chancellor (Campbell), after commenting on the language of the Succession Duties Act, as above mentioned, held, overruling the Court of Session, that the grandmother was in this case the "settlor," "disponer," or "ancestor," from whom A. F. "derived" his succession. Lord Cranworth and Lord Wensleydale concurred; and the case would have presented no difficulty but for the peculiarities in the law of Scotland which led the Court of Session to adopt a too narrow construction of the language of the statute.

We lastly come to the appeal in *The Attorney-General* v. *Braybrooke* (March, 1861). The Lord Chancellor (Campbell) began by exposing the erroneous view which had been taken in argument, that under the deeds of 1841 and 1850, D. did not take "by his own disposition." He laid it down that the deed of 1841, *must be held to be a new disposition by the son of his interest as tenant in tail for his own benefit*. The subject

matter of the deeds, therefore, divided itself into two portions, one, the property which D. took by virtue of his new disposition; and the other, that in which the father had a life estate, and which remained unaltered by the arrangement. The Lord Chancellor distinctly confirmed Baron Bramwell's reasoning in *The Attorney-General* v. *Sibthorp*, on the 12th section of the Act, holding that as to the property which D. took by his own disposition, it was chargeable at the same rate as if no such disposition had been made, *i.e.*, as if he had succeeded under the will of A. Thus both as to one portion of the fund, and as to the other, the same rate of duty, £10 per cent. was payable. In this view Lord Kingsdown concurred. His opinion was that, under the Act, every person succeeding to property on the death of a person after 19th May, 1853, is subjected to payment of duty. One of the exceptions is where a person succeeds under a disposition made by himself. But this exception is subject to the qualification expressed in the 19th section above. In this case D. was at no time entitled to any interest except in expectancy on the death of C. Under the will of A., D. was chargeable with 10 per cent., and so far as the subsequent deeds were a disposition made by himself, D. remained liable to the same amount of duty. After much consideration Lord Kingsdown rejected the view that C, the father, could be held to be one of the predecessors of D. within the 18th section. So far the decree of the Court of Exchequer was confirmed, but rather upon the grounds stated by Baron Bramwell and Baron Martin, in *The Attorney-General* v. *Sibthorp*, than upon those laid down by the Chief Baron in the two cases. Lord Wensleydale, however, dissented from the Lord Chancellor and Lord Kingsdown. He agreed in condemning the doctrine that family settlements had no effect upon the succession; but, rejecting the application of the 12th clause to the deeds of disentail and re-settlement, he considered that both father and son were "settlors" or "disponers;" and that under the 13th clause the son ought to pay £1 per cent. on that portion of the subject matter only which he "derived" from his father. He thought the deed of 1850 constituted an entirely new succession, to be treated in the same way as if the father and son had bought and settled a new estate. But this view was negatived.

The conclusion to be drawn is the establishment of this principle, that a tenant in tail in remainder cannot vary the succession duty to which he will be liable, by barring the entail and resettling the estate. The tenant in tail in remainder, when he bars the entail, may, if he pleases, alienate the estate, and no succession duty will then be payable by him; but if he re-settles the estate so that he himself shall succeed to it on the death of the tenant for life, he must then pay the same succession duty as if he had taken under the original settlement.

Before quitting this part of the subject, it may be observed that since the above decision of the House of Lords in March last, another case has come before the Master of the Rolls, involving the question of who was the "predecessor" within the 2nd section, under these circumstances. By a marriage settlement the intended husband covenanted to pay within twelve months the sum of £10,000 to trustees, to be held on trust for him and the intended wife successively for life, and after the death of the survivor, for the children of the marriage; and in default of issue of the marriage (which happened), for the children of the intended wife by her late husband, as the wife should appoint; and in default of appointment amongst such children equally. The intended wife also brought a sum of £6,000 into settlement. After the marriage the £10,000 was paid; the wife survived, and died without having exercised the power. When one of the children's shares came to be paid, the question arose as to who was the predecessor, and the trustees, in her interest, relying on *The Attorney-General* v. *Baker*, and *Re Jenkinson*, amongst other cases, argued that the mother was the predecessor, inasmuch as she supplied the consideration for which the provision was made. The Master of the Rolls held that where upon the marriage of the owner of an estate to a lady, he agrees to settle a sum of money upon her relations, he, and not the lady, must be considered as the predecessor. If it were not so, the wife's property would, for the purposes of succession, be considered as the husband's, and the husband's as belonging to the wife. The ultimate destination of the fund could not affect the question as to who was the predecessor. In this case also, the wife had not exercised her power of appointment, and this made the argument stronger against the theory of her being the settlor. *In re Ramsay's Settlement* (June, 1861), 9 W. R. 910.

More recently still, a judgment has been delivered by the Court of Exchequer, which, though prepared before the decision of the House of Lords in the *Braybrooke case*, coincides entirely with it.

A., being seised in fee, devised lands to his son Henry for life, remainder to his first and other sons in tail male, and died. Henry, the son, being tenant for life, and William John, his eldest living son, being tenant in tail male in remainder, in 1810, suffered a recovery to such uses as they should jointly appoint. In 1821, Henry and his son, William John, appointed the estates to the use of Henry for life, then to William John for life, remainder to his first and other sons in tail male; then to the use of George, the next son of Henry, for life; remainder to his first and other sons in tail male. Henry died in 1834; William John died in 1855 without issue; whereupon George succeeded as tenant for life, and the question arose. If George derived any part of the succession from his brother William John as predecessor, as to that portion the rate of duty would be £3 per cent; if not, the whole, being derived from George's father and grandfather, would be chargeable with only £1 per cent. Baron Bramwell, in delivering the judgment of the Court, distinguished the present case from *The Attorney-General* v. *Sibthorp*. If the question here had been what duty William John should pay, the Court would have followed their decision in the case of Major Sibthorp. But in this case George got an estate by the joint power of his father and brother operating on a fee created out of his brother's estate, but which the brother alone could not operate on, the result was that, whether the Court considered the succession to come half from Henry and half from William John, or whether the interest arising from each could not be distinguished, the 13th section applied, and the rate of duty was £3 per cent. on one moiety, and £1 per cent. on the other. The argument in this case was heard in the year 1860, on the day after the decision in the *Saltoun Case; The Attorney-General* v. *Floyer and Others* (6th July, 1861), Exch.

REAL PROPERTY AND CONVEYANCING.

Rights of Assignees for Value of Voluntary Mortgage given under Duress.

Parker v. *Clarke*, M. R., 9 W. R., 877.

This case involved an important question as to the rights of an assignee for value of a voluntary mortgage. It has been settled by the more recent decisions that such an assignee stands to all intents and purposes in the place of his assignor. The right of such assignees, however, to be regarded as plenary purchasers for valuable consideration, is very often sought to be supported, nor is this position without countenance from the older authorities; for instance, in the case of the *Earl of Aldborough* v. *Trye*, 7 Cl. & Fin, 436, it was held that if a person grants a voluntary deed enabling the grantee to raise money upon it from a third party, the grantor cannot get back or set aside the deed without paying what was advanced on it without fraud. That case related to the grant of an annuity. In the case of *George* v. *Milbanke*, 9 Ves. 190, Lord Eldon established that even a creditor of the grantor, in the case of his bankruptcy, could not get back a voluntary deed from a third party, who had purchased it from the grantee, without repaying him the money he had paid for it. This, however, was the case of a purchaser from a party who took under a voluntary deed of appointment. At the time when this decision was pronounced, 1803, the doctrine of powers was in great esteem, and an appointee, even under a voluntary deed, would, doubtless, be regarded with more favour by the Court than at present. A purchaser from the appointee, as observed in the argument in the latter case, could not be deemed to have notice of the state of the appointor's affairs. Even a judgment debt due by the appointor, prior to the statute 1 Vict. c. 110, might be defeated by an appointment. There is, therefore, a clear ground of distinction between voluntary appointees and purchasers from them, and voluntary mortgagees and their assignees for value. An assignee of a mortgage takes subject to all the equities of the mortgagor, and is liable to have the account taken from beginning to end, although he may have had no notice by endorsements on the deeds, or otherwise, that part of the debt had been discharged; *Porter* v. *Hubbart*, 3 Ch. R. 78; *Matthews* v. *Wallenger*, 4 Ves. 118. If there is nothing due on foot of the mortgage, the assignment of it is valueless. Why should it not be equally so where no consideration had been ever advanced upon the mortgage? In *Dawbeny* v. *Cockburn*, 1 Mer. 627, a bill by a purchaser for value was dismissed as against the person entitled under the settlement, in default of appointment, such person having also the legal estate in the fund appointed. This case, indeed, seems to have

proceeded upon the general principle that when the equities are equal, the law shall prevail. But the decision also seems to imply that the equities of the purchaser from the appointee, and of the party entitled in default of appointment, were not equal, as the former was not considered to have a right to call for a conveyance of the legal interest. All equities, as a general rule are extinguished on a sale to a purchaser for valuable consideration without notice, who also obtains a conveyance of the legal estate. The reason why this rule has no operation as regards assignments of mortgages is, that there cannot be a purchase of the mortgagee's interest without constructive notice of the equities, if any, of the mortgagor. The assignee of a mortgage granted for value may, no doubt, be deemed in many respects, a purchaser for value, as for instance, as regards the right given to purchasers by the 27 Eliz. c. 4, to avoid, *pro tanto*, prior voluntary grants. Such assignee is, nevertheless, bound to consider the mortgage in the light in which equity considers it, viz., as a security for a debt, and therefore liable to be overhauled on an examination of the accounts and equities between the mortgagor and the mortgagee. The Court allows a mortgagee before foreclosure only a qualified interest in the land, which may be still further diminished on an examination of the accounts. The rule which protects purchasers for valuable consideration without notice, *ex necessitate rei* does not apply to the assignees of mortgagees, because these have implied notice that the conveyance is only a security for a debt, and may, therefore, have been either wholly or partially discharged. Such assignees are, consequently, under an obligation to ask the mortgagor whether there is anything due on the mortgage. In the present case, A. B., while in prison, had granted a mortgage under promise of a release which was not carried into effect. The mortgagee subsequently assigned it to a party who had notice of the circumstances under which it was given, and the latter made an equitable mortgage of it to the defendant who gave a consideration for the deposit, and had no notice of its being a voluntary instrument made under duress. The Master of the Rolls held that the depositor could not claim to be in a better position than his mortgagor, and accordingly ordered the deed to be delivered up. The onus of proving the invalidity of the deed lay of course on the plaintiff; but, as this was coupled with the difficulty of proving a negative, once that a *primâ facie* case of undue influence was made out by the plaintiff, the burden of proof, became, then, as observed by his Honour in his judgment, shifted upon the defendant, who was then bound to prove the validity of the transaction. If a deed obtained by undue influence be afterwards assigned to a purchaser for value without notice, he holds it, as a general rule, discharged of the infirmity; *Blackie* v. *Clark*, 15 Beav. 595; *Corbett* v. *Brock*, 20 Beav. 524. The case of *Parker* v. *Clarke* establishes that mortgages form an exception to this general rule of equity.

Correspondence.

CONVEYANCE—FORM OF HABENDUM.

I cannot but think that the answer of "Another Subscriber"* to the query of "A Subscriber," which appeared in your number for the 14th September, treats the matter in question somewhat too cavalierly, and that the effect of his note is rather to prevent inquiry than to answer it, and may prove a great discouragement to inquiring minds, whether those of actual students or young practitioners. Here allow me to take the opportunity of thanking you for the important assistance which the correspondence section of your valuable *Journal* afforded me as a student. The recollection of this aid renders me very desirous that no check beyond that which your experience can be safely trusted to impose may be given to the free circulation of queries, even though to the more advanced lawyer some of the points mooted may appear but trifling.

In the present case, while I am so far in agreement with "Another Subscriber" as to have been willing to rest satisfied with the ordinary form of conveyance, which, I believe, retains the limitation of a use in the case supposed, yet I was pleased to see the doubt propounded, as, some time since, the limitation was by mistake omitted in the engrossment of a deed which came under my notice after execution, and I was at first uneasy as to the effect of its omission, but, on due consideration of the principles involved, I was of opinion that there was no miscarriage. I cannot, however, agree with "A Subscriber" in attributing the non-necessity for the limitation to the operation of the Act 8 & 9 Vict. c. 106, as quite independently of that Act, the limitation would seem to be unnecessary for the purpose of passing to the purchaser the absolute fee-simple (the nature of the proposition excludes any limitations in bar of dower, &c.), and I imagine that in the simple case supposed, the practice of adding the limitation of the use originated, *ex abundanti cautelâ*, in the desire to exclude the possibility of a resulting use, as to which, however, it may be fairly answered that it is rebutted by the nature of the transaction (see Hayes' Con.); and I cannot but think that "A Subscriber" shews a little forgetfulness of his principles of conveyancing in his antithetical reference to the conveyance by lease and release. The limitation under consideration was no more necessary to pass a fee-simple by lease and release than it is now where the conveyance is by grant. The lease for a year, operating as a bargain and sale, under the Statute of Uses, transferred to the lessee the actual possession, and upon his taking a release to him and his heirs the absolute fee-simple passed to him without any limitation of a use. The doctrine of uses was required to effectuate the former, but not the latter of the two deeds. I remember, when first studying law, the difficulty of applying my reading to practice was considerably enhanced by the loose terms in which my "reverend signiors" expressed themselves in reference to the lease and release respectively as the efficient means of bringing the Statute of Uses into play so as to secure the passing of the fee.

I must apologize for the length of these observations, and trust they may call forth any necessary correction from those who are better qualified to instruct than

A Young Solicitor.

* *Ante*, p. 763.

THE NEW BANKRUPTCY ACT.

By the 71st section of the Bankrupt Act, 1861, if any debtor arrested for debt lie in prison, being a trader, for fourteen days, or non-trader, for two months; or having been arrested for any cause, shall lie in prison as aforesaid, upon any detainer for debt lodged against him and not discharged, he shall be deemed to have committed an act of bankruptcy. It then proceeds, "but no such debtor shall be adjudged bankrupt on the ground of having lain in prison as aforesaid, unless, having been summoned, he shall not offer such security for the debt or debts in respect of which he is imprisoned or detained, as the commissioner or registrar, whose duty it would otherwise be to adjudicate, shall deem reasonably sufficient."

By sect. 100, gaolers are to make returns of prisoners for debt in their custody. Sect. 101 provides that "the commissioner or county court judge, as the case may be, shall, on receiving such return, order the registrar to attend at the gaol as therein specified." It then proceeds, "on the day named in the order the registrar shall attend at the prison and examine every prisoner included in such return who shall have been in prison, being a trader, for fourteen days, or not being a trader, for two months, touching his effects, debts, dealings, and transactions." . . . "The registrar shall have power to make an order of adjudication in bankruptcy against every such person, and to grant him protection and to make an order for his release from prison," &c. In the latter section nothing is said about the debtor being summoned in order that he may give security; yet by section 71 he cannot be adjudged bankrupt until he has been so summoned.

Is it meant in sect. 101 that the registrar is only to examine those prisoners who have been summoned under the proviso in sect. 71, or is that section meant to apply only to those persons who may happen to be in custody for debt, at the time of the commencement of the Act, and the other section to those imprisoned subsequently? The direction to the registrar in sect. 101 is absolute—that he examine *every* prisoner included in the return who shall have been in prison, being a trader, for fourteen days, or not being a trader, for two months.

It appears to me that there is a conflict between the two sections, and I shall be glad if you or some of your readers will express an opinion upon them.

G.

The "Finance accounts" show that there was paid last year from the Consolidated Fund £323,000 for salaries of judges, and £65,000 for pensions to retired judges. In view of these figures it is well that it was finally determined by Parliament not to add another £5,000 a-year to the account until it is seen whether the changes in the Bankruptcy Court will really require it.

Reviews.

The Law of Bankruptcy and Insolvency, as founded on the Recent Statute. By JOHN FREDERICK ARCHBOLD, Esq., Barrister-at-Law. London: Simpkin Marshall, & Co.

The Bankruptcy Act, 1861, *incorporating so much as remains in force of the* 12 *&* 13 *Vict. cap.* 106; *Bankrupt Law Consolidation Act*, 1849; *of the* 15 *&* 16 *Vict. cap.* 77; *and of the* 17 *&* 18 *Vict. cap.* 119; *with an Appendix and Notes.* By WILLIAM HAZLITT, Esq., a Registrar of the Court of Bankruptcy, and HENRY PHILIP ROCHE, Esq., Barrister-at-Law. London: Stevens & Sons; Sweet; and Maxwell.

Treatises on the new law of bankruptcy are multiplying around us. Shortly after the publication of Mr. Lewis's manual appeared the work of Mr. Archbold, which has now been followed by the ample compilation of Messrs. Hazlitt and Roche. The aim of each and all of these learned editors has been to a great extent the same, that is to say, to combine the provisions of the new Act with the unrepealed portions of former statutes; and thus to present the law under every branch of the subject in a compact form. The practitioner is hereby furnished with the statutory materials for forming an opinion on those questions of procedure which must necessarily arise, but which it is impossible to anticipate; whilst the problem of consolidation is practically solved by a variety of arrangements, each of which approximates more or less to perfection. From these attempts, aided by the experience which time will furnish of the working of the Act, the task of preparing a comprehensive measure will at some future day be easy, and the subject, when rendered familiar to the profession and the public, and freed from some of its complexities, will be in a condition to be dealt with by the legislature as a whole. Mr. Archbold offers his acknowledgments to the Lord Chancellor for some "admirable improvements" which have been effected by the new statute, and points out the impracticability of passing a larger measure through a committee of the House of Commons. He then refers to his arrangement, the peculiar feature of which is, that the subject is scientifically arranged under the following headings:—

1. Jurisdiction.
2. Who may be bankrupts, and in what cases?
3. The petition and adjudication.
4. The meeting of creditors and appointment of an assignee.
5. The property, how collected and realised.
6. The property, how applied and distributed.
7. Rights and privileges of bankrupts.
8. Agreement with creditors without bankruptcy.
9. Appeal to the lords justices.
10. Courts of bankruptcy auxiliary to other courts.

Each of these heads is afterwards subdivided and dealt with in detail. Thus the whole of the matter is digested into a system easy of reference and recommending itself to the student by its accessibility and simplicity. In the body of the work the sections are placed together in a narrative form, which does not however depart from the language of the enactments. No cases have been cited, on the ground that it is wholly uncertain how far any of the old decisions can be deemed authorities for the exposition of the law as it stands at present. In the appendix are printed the Act of 1861, and the unrepealed portions of the Act of 1849, with the schedules. These with an index complete the volume. To Mr. Archbold belongs the merit of having been the first to methodize this hitherto unwieldy mass of materials.

The work of Messrs. Hazlitt and Roche has recommendations of another kind. The learned compilers having been, as they state in their preface, "employed under the direction of the Lord Chancellor in the mechanical preparation" of the present Act, and of the Bill of 1860, are in a position to speak authoritatively as to the history of the measure, and its progress through Parliament; and even of its amendments in the Committee of the House of Lords. The notes which are furnished on this last subject are founded on the observations of one of the editors, who attended the meetings of the Committee. Much incidental light is thus thrown upon the origin of parts of the measure, which are not amongst the clearest in meaning and application. To some of the more important of these we may at once refer.

Section 114, a clause which empowers the Court to dispose, for the benefit of the creditors, of the copyholds and customary lands of a bankrupt, was inserted in the Lords' Committee by Lord St. Leonards, in substitution of section 209 of the Consolidation Act of 1849. The object of the section is to render only one deed necessary, instead of two, as formerly.

Section 115 of the new Act provides that the life estate in remainder of a bankrupt non-trader is not to be sold before it falls into possession, without the leave of the Court. This provision, it seems, was introduced in the Select Committee by Lord St. Leonard's, in order to prevent sales of such interests for inadequate prices, which Lord Derby, in committee, shewed, from the calculations of an actuary, would necessarily be the case, if the life estate were disposed of during the existence of the previous estate.

Sect. 152 was introduced by Sir Hugh Cairns in order to put a final termination to the questions which have given rise to litigation on the question of *double proof*. Of these *Goldsmid* v. *Cazenove*, decided by the House of Lords in 1859, 29 L. J. Bkcy. 17, is one of the latest examples. Other cases on the point are collected in "Tudor's Leading Cases on Mercantile and Maritime Law." Sect. 153, which provides that unliquidated damages in respect of a contract broken by the bankrupt at the time of his adjudication, shall be assessed by a jury and proved like an ordinary debt, is intended to meet cases like those of *Boorman* v. *Nash*, 9 B. & C. 145; and *Green* v. *Bicknell*, 8 Ad. & Ell. 701.

Sect. 154 was inserted with reference to the decision of the Queens' Bench in *Warburg* v. *Tucker*, 24 L. J. Q. B. 317, in which it was held that the certificate in bankruptcy was no bar to a claim in respect of a covenant to pay premiums on a policy of assurance, which had become due since the bankruptcy.

In sect. 159, rule 1, occur words which have given rise to much speculation—"if the bankrupt consent thereto." This is with reference to the bankrupt's prosecution before the Commissioner. These words were introduced in the House of Lords, and disagreed to by the Commons, and were, as the editors believe, inadvertently retained in the printed Act. Their effect probably will be to enable the bankrupt to decline to be tried by the Court of Bankruptcy on a charge of misdemeanour. This power, the learned editors think, will rarely be exercised by the bankrupt, inasmuch as it is competent to the Court to direct him to be indicted and prosecuted in one of the ordinary courts. This course, they add, is inexpedient from its costliness; but this is manifestly a consideration which will weigh with very few bankrupts of the class who are likely to be prosecuted for misdemeanours. The power of the bankrupt to inflict additional expense on the estate is rather likely to throw an impediment in the way of an indictment on the part of the creditors.

We are reminded (p. 182) that section 160, which enables persons heretofore bankrupt, and whose certificate of conformity has been refused to apply for an order of discharge, was "mercifully" introduced by Mr. Malins.

With reference to the trust deed clauses, sections 192—200, it is stated, on the authority of a Parliamentary return, that, upon an average of ten years up to 1857, the number of composition, arrangement, and inspectorship deeds out of court was 9,000 per annum.

Practitioners are reminded that section 207 will render great facilities for the swearing of affidavits with reference to bankruptcy proceedings in Scotland and Ireland. There will no longer be any necessity to resort to the Irish Affidavit Office in Southampton-buildings, or to special offices, as the Mansion-house and others, in the case of Scotland.

In one of the appendices will be found the Act introduced in 1860 by the Lord Advocate, to prevent English debtors from taking advantage of the Scottish bankrupt laws to the detriment of their English creditors; and in connexion with this subject some valuable notes prepared by Mr. James P. Falkner, solicitor at Edinburgh, for the purpose of giving assistance to English solicitors in the recovery of debts, or the prosecution of bankruptcies. The Act of the 7 & 8 Vict. c. 70 is also given at length, and in addition, such of the rules and orders of 1852, as will, it is presumed, for the present remain applicable to the procedure of the Court—in other words, such of them as will remain untouched by the forthcoming orders. The principle of Messrs Hazlitt and Roche's arrangement is to follow the order of clauses in the new statute, interpolating the corresponding portions of the old unrepealed law in a different type, a system which possesses very obvious advantages.

The specimens we have given above will show the importance of the annotations and other materials which are assembled in this volume. The particulars here stated are only to be found elsewhere, if at all, by searching files of Parliamentary papers, or the unauthorized, it may be defective, and even erroneous, newspaper reports of proceedings in Parliament; whilst of the details of what passes in a House of Lords' Committee the public has no record whatsoever. To the

information thus collected by the learned editors, the official position of one of them, and the fact of their having been the draughtsmen of the Act under the superintendence of the Lord Chancellor, lend an especial authority and guarantee of authenticity.

RAILWAY BILLS.—Resolutions of both Houses of Parliament were passed last session discontinuing the system of engrossing Bills, and providing that in future every Bill shall be printed immediately after it shall have been passed in the House in which it originated. When a Bill has passed both Houses a print on vellum is to be furnished to the House of Lords before receiving the royal assent. The Master of the Rolls is also to receive a copy, and as it is considered expedient with a view to economy, convenience, and despatch, and diminution of the chances of error, that one printer should print the public general Bills for both Houses, and as the Queen's printer is, by virtue of his office, bound to print the Acts of Parliament, it is deemed advisable that the Queen's printer should be employed for that purpose by both Houses in future.

A new entrance to the Temple from the bottom of Essex-street, Strand, has been completed. It opens opposite to the new Library-chambers, and is built of Portland stone, in the same style of architecture; the old wall facing the west front of the Library is being paved with Portland stone, and a wall of the same material, extending from the porter's lodge of the new entrance to the river, has been built. This means of ingress and egress to persons having business in the Library, or Garden-court, will be very convenient.

Admission of Attorneys.

Queen's Bench.

NOTICES OF ADMISSION.

Michaelmas Term, 1861.

[Candidates' names appear in Small Capitals, and Solicitors to whom articled or assigned in ordinary type.]

AMOS, GEORGE PEMBROKE.—G. Amos, Wye; G. L. P. Eyre, 1, John-street, Bedford-row.

ANSDELL, THOMAS FERGUSON.—J. Ansdell, St. Helen's, Lancaster; J. Walker, Chester.

ANTHONY, WILLIAM HENRY.—R. Norris, sen., Liverpool; P. Simpson, Liverpool.

ASHWIN, STEPHEN GODFREE.—T. S. Ashwin, Stratford-upon-Avon; D. Harrison, 5, Walbrook.

BANNISTER, CHARLES ALBERT.—Charles Pearson, Guildhall; J. Davidson, Weavers' Hall.

BLAKE, EDWARD FREDERICK.—F. Blake, Newport, Isle of Wight.

BLEW, JOHN CARDALL.—T. M. Whitehouse, Wolverhampton.

BONVILLE, JOHN.—W. Lloyd, Carmarthen.

BOYS, ATHELSTAN HERVEY.—J. H. Boys, Margate.

BRADLEY, HENRY BARRELL.—R. Galsworthy, Ipswich.

BRAIN, ALFRED JAMES.—William Matthews, Gloucester.

BRETON, ALEXANDER GORDON.—P. Karslake, Regent-street.

BREWIS, THOMAS.—J. Fleming, Newcastle-upon-Tyne.

BRICE, RICHARD.—Dyne & Harvey, 61, Lincoln's-inn-fields; H. Dyne, Bruton.

BROOKS, ARTHUR.—R. H. Tarleton, Birmingham.

BROWN, RICHARD.—T. Swainson, Lancaster.

CARR, ALFRED.—S. Davidson, Basinghall-street; B. Hardwick, Basinghall-street.

CHAMBERS, JOHN H. BROUGHAM.—J. W. H. Richardson, Leeds.

CHIDLEY, SYDNEY.—J. R. Chidley, Old Jewry.

CLARK, JAMES.—E. F. Slack, Bath.

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COLLINS, JOHN.—John Atkinson, Whitehaven.

CORNISH, HERBERT HENRY.—H. Cornish, Tavistock; T. Cornish, Penzance.

COTTERELL, GEORGE.—S. Wilkinson, jun., Walsall.

CUDDON, GEORGE JOHN.—C. Blount, Usk; W. Blackmore, Liverpool.

DALTON, HENRY.—R. Radcliffe, South Liverpool.

DAUNCEY, OSBORNE.—R. Bracey, Wotton-under-Edge.

DAWSON, WILLIAM.—J. Bevan, Cowbridge, Glamorgan.

DIMBLEBY, DAVID.—T. Slaney, Birmingham.

DUERDIN, JAMES.—J. Hollams, Commercial Sale Rooms, Mincing-lane.

EDELSTON, THOMAS.—T. Harris, Preston.

EMERSON, MATTHEW SALLITT.—W. Massey, Watton.

FARDELL, JOHN WILSON.—J. H. Hearn, Newport, Isle of Wight.

FIELD, HENRY HARRISON.—W. Daggett, Newcastle-upon-Tyne.

FLINT, REST WILLIAM.—E. Knocker, Dover.

FLOYD, ROBERT AARON.—C. S. Floyd, Huddersfield; N. Learoyd, Huddersfield; W. Janeway, Bedford-row.

GARWOOD, CLIFTON RAMSAY.—W. Garwood, York.

GIBSON, WILLIAM, jun.—R. H. Speed, Nottingham.

GILL, THOMAS JOSEPH.—Richard Radford, Manchester.

GREY, JOHN WILLIAM BACON.—S. Newman, Newport Pagnell.

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HINDE, WILLIAM GREGSON.—Kennaway and Buckingham, Exeter.

HIPWOOD, LACY.—E. Thompson, Salters' Hall.

HODGSON, CHARLES BRAY.—W. S. Allen, Birmingham; F. Turner, Aldermanbury.

HOLMES, JOHN.—A. Crosley, 34, Lombard-street.

HORSELL, HENRY.—J. Pratt, Wootton Bassett.

HULME, WILLIAM ODYERNE.—W. Simons, Merthyr Tydfil.

JACKSON, NORFOLK BARSTOW.—J. Richardson, York; J. Williamson, jun., Great James-street, Bedford-row.

JACKSON, ROBERT LENDON.—H. A. Palmer, Bristol; A. H. Wansey, Bristol.

JEFFERY, ALFRED JOHN.—J. Jeffery, Northampton.

KELLY, THOMAS THELWELL.—A. T. Roberts, Mold.

KEMPTHORNE, JAMES.—Alex. Cuthbertson, Neath.

KING, THOMAS, jun.—A. R. Bristow, Greenwich.

KNIGHT, JAS. HENRY.—R. Underwood, Castle-street, Hereford.

KNOWLES, JAMES HARDCASTLE.—J. Knowles, Bolton.

KNOWES, ROBERT ANDREW.—J. Knowles, Bolton

KYNASTON, JOHN, jun.—H. Nicol, 8, Queen-street, Cheapside.

LACE, WILLIAM HENRY.—Robt. Norris, Liverpool, T. Rigge, Liverpool; A. Lace, Liverpool.

LAKE, BENJAMIN GREENE.—H. Lake, 10, New-square, Lincoln's-inn.

LAY, JOS. BLACKBURN.—J. C. Fenton, Huddersfield; J. J. J. Sudlow, 20, Chancery-lane.

LEE, BARNARD.—C. V. Lewis, 2, Raymond's-buildings, Gray's-inn.

LEE, HENRY.—J. Lee, Whitchurch.

LEWIS, LOUIS.—J. G. Lewis, 10, Ely-place.

LITTLE, WILLIAM.—L. Harrison, Penrith.

LOWTHIAN, ISAAC.—D. McAlpin, Carlisle.

LUMB, ALFRED.—L. Harrison, Penrith.

LYUS, GEO. ORMISTON.—G. Lyus, Diss, Norfolk.

MALLORY, DANIEL.—B. Bubb, Cheltenham.

MARSHALL, BENJAMIN JOHN.—J. H. Marshall, 12, Hatton-Garden.

MARTIN, GEORGE.—J. Bush, Bradford, Wilts.

MATHEWS, JAMES LLEWELLYN.—W. Walton, 30, Bucklersbury.

MAXFIELD, HENRY OATES.—W. Esam, East Retford, Notts.

MAYHEW, SYDNEY.—A. Mayhew, 26, Carey-street, Lincoln's-inn-fields; H. White, 7, Southampton-street, Bloomsbury.

MAYNARD, CROFTON.—T. C. Maynard, Durham.

MILWARD, ROBERT HARDING.—W. P. Allcock, Birmingham.

MORLEY, CHARLES EDWARD.—J. Loxley, 80, Cheapside.

MORTON, ROBERT.—E. Willoby, Berwick-upon-Tweed.

NORRIS, GEORGE.—P. Simpson, Liverpool; R. Norris, Liverpool.

NOTT, JOHN.—W. Burridge, Wellington.

NUNN, JOHN BRIDGES.—A. Dixon, 3, King's-bench-walk, Temple; G. M. Arnold, Gravesend; R. H. Burne, 1, Carey-street, Lincoln's-inn.

PALMER, FREDERICK DANBY.—C. J. Palmer, Great Yarmouth.

PARKER, FREDERICK.—J. Parker, 40, Bedford-row.

PERKINS, EDMUND.—W. S. Perkins, Sutton Coldfield; J. J. Simpson, Derby.

PHELPS, PHILIP EDMUND.—W. Hobbs, Reading.

PIFFARD, ALBERT.—R. Wilson, 1, Copthall-buildings.

PINFIELD, WILLIAM HENRY.—J. North, Liverpool.

PRIDHAM, GLINN.—G. Pridham, Plymouth.
PRITT, GEORGE ASHBY.—E. Bailey, 5, Berners-street, Oxford-street.
PURRIER, VINCENT JNO.—T. Purrier, 35, New Broad-street.
RAWLINSON, ABRAM CRESWICKE.—A. L. Rawlinson, Chipping Norton.
RAY, WALTER BLUETT CARPENTER.—H. C. Ray, Bristol.
RANARD, FREDERICK.—J. White, 13, Barge-yard-chambers, Bucklersbury.
ROGERS, CHARLES LACEY.—W. H. Peacock, Barnsley.
SCATCHERD, OLIVER.—T. Taylor, Wakefield.
SHAFT, GEORGE THOMAS.—A. R. Bristow, Greenwich.
SHEPHERD, WILLIAM CONNING.—H. De Jersey, 13, Gresham-street.
SMITH, HORACE WILLIAM.—J. Crowdy, 17, Serjeant's-inn, Fleet-street.
SMITH, RENTIN.—R. H. Anderson, York; G. H. Smith, York; R. E. Smithson, York.
SOBEY, GEORGE FERRIS.—H. W. Hooper, Exeter.
SPILLER, JAMES ROBERT.—J. R. White, Bruton; E. F. Burton, 25, Chancery-lane.
STEVENS, HENRY.—R. T. Jarvis, 23, Chancery-lane.
STRETTON, ALBERT.—C. Stretton, Leicester.
TAYLOR, JAMES PARKINSON. — J. W. Taylor, 28, Great James-street, Bedford-row.
THOMAS, CHARLES.—H. Thomas, 35, Lincoln's-inn-fields.
TILL, WALTER JOHN.—G. J. Till, Croydon.
TILLETT, WILLIAM HENRY.—J. H. Tillett, Norwich.
TOWNEND, JOHN.—W. M. Perfect, Blackburn; and D. Robinson, Clitheroe Castle.
TRAFFORD, JOHN LEIGH.—C. W. Potts, Chester.
TURNBULL, HENRY.—J. Uppleby, Scarborough; J. J. P. Moody, Scarborough.
WEBB, ANTHONY EDWARD.—E. Webb, Bath; T. Skinray, Bath; A. Warner, 7, Golden-square.
WEBSTER, HENRY.—T. Price, 24, Abchurch-lane.
WHATLEY, TOM.—G. L. Whatley, Mitchel Dean.
WHITE, THOMAS BLACK.—W. Billson, jun., Leicester.
WHITE, WILLIAM HENRY.—H. White, Williton, Somerset.
WHITTON, WILLIAM, jun.—J. Becke, Northampton; J. M. 'Dale, 3, Gray's-inn-square.
WIGHTON, WILLIAM.—C. Rice, Boston.
WILLIAMS, THOMAS.—W. R. Smith, Merthyr Tydfil.
WILLIS, THOMAS PRICE.—T. D. Willis, Winslow.
WILMER, CHARLES PONSONBY.—G. H. Kinderley, 6, New-square; W. H. Domville, New-square.
WILTSHIRE, CHARLES HENRY.—G. E. Sharland, Gravesend.
WOOD, HENRY FRANCIS.—J. Taylor, Bradford; H. Roscoe, 36, Lincoln's-inn-fields.
WOODALL, JAMES WILLIAM.—J. Parry, Manchester; F. Marriott, Manchester.
YATES, JOHN JOSEPH.—J. Yates, jun., Liverpool.

Michaelmas Term, 1861, *pursuant to Judges' Orders.*

ADDISON, JOSEPH.—J. Linklater, 7, Walbrook.
BLUNT, FREDERIC WILLIAM.—J. Blunt, 13, Austin-friars; A. H. Shadwell, 13, Austin-friars.
BRAITHWAITE, WILLIAM JOHN.—J. Watson, Nottingham.
PULLEN, THOMAS JAMES.—J. Robinson, 17, Ironmonger-lane.
SMITH, CHARLES AUG. WOLSTON.—C. A. Smith, Greenwich.
SMITH, LEGH DELVES BROUGHTON.—H. Smith, Richmond; C. J. H. Fletcher, 31, Abingdon-street, Westminster.
TILLETT, ABEL.—W. L. Mendham, Norwich.

Public Companies.

REPORTS AND MEETINGS.

EPSOM AND LEATHERHEAD RAILWAY.

At a special meeting of this company held on the 30th ult., a dividend of 5*s.* per share was declared.

GLASGOW, DUMBARTON, AND HELENSBURGH RAILWAY.

At the half-yearly meeting of this company held on the 25th ult., a dividend at the rate of £5 10*s.* per cent. per annum was declared for the past half-year.

PERTH, ALMOND VALLEY, AND METHVEN RAILWAY.

At the half-yearly meeting of this company held on the 27th ult., a dividend of £2 per cent was declared for the past half-year.

PERTH AND DUNKELD RAILWAY.

At the half-yearly meeting of this company held on the 27th ult., a dividend at the rate of £2 per cent. per annum was declared for the past half-year.

SCOTTISH CENTRAL RAILWAY.

At the half-yearly meeting of this company held on the 27th ult., a dividend at the rate of £6 per cent. per annum, was declared for the past half-year.

Births, Marriages, and Deaths.

BIRTHS.

STOKER—On Sept. 30, at No. 4, Hereford-road, Westbourne-grove, the wife of W. C. Stoker, Esq., of a daughter.

MARRIAGES.

HEATH—EVANS—On Oct. 1, John Carlen Heath, Esq., of the Inner Temple, Barrister-at-Law, and Fellow of Trinity Hall, Cambridge, to Mary Jane, youngest daughter of the Rev. Henry Evans, rector of Lyng.

TIPPETTS—LUCAS—On Sept. 26, Theodore George Tippetts, Esq., of Chelsea, Solicitor, to Elizabeth Susan, daughter of William Lucas, Esq., of Hartshill.

WILLS—TAYLOR—On Oct. 1, Alfred Wills, Esq., of the Inner Temple, and of Esher, Surrey, Barrister-at-Law, to Bertha, third daughter of Thomas Lombe Taylor, Esq., of Starston, Norfolk.

WOOD—DICKIN—On Sept. 25, Edmund Burke Wood, Esq. Barrister-at-Law, to Elizabeth Sarah, daughter of the late S. Dickin, Esq., of Moreton Hall, Shropshire.

DEATHS.

BOXER—On Sept. 26, at 12, Pelham-place, Brompton, Caroline, relict of the late Jas. Boxer, Esq., Solicitor.

CHUBB—On Sept. 27, at Redlands, Reigate, Emily Sarah, the beloved wife of Wm. Chubb, Esq., of No. 14, South-square, Gray's-inn, Solicitor, aged 33.

PLOMER—On Sept. 28, Anne Hamilton, the beloved wife of J. G. Plomer, Esq., Solicitor, Helston, aged 46.

SMITH—On Sept. 29, at Nailsworth, Gloucestershire, aged 53, William Smith, Esq., Solicitor.

London Gazettes.

Professional Partnerships Dissolved.

TUESDAY, Oct. 1, 1861.

DUIGNAN, WILLIAM HENRY, & JOHN EDSWORTH, Attorneys and Solicitors, Walsall and Wednesbury, Staffordshire. By mutual consent. Sept. 30.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Oct. 1, 1861.

CHURCH, ANN, Widow, formerly of the Rising Sun Public House, Commercial-road, Pimlico, Middlesex, and late of 50, Holywell-street, Westminster. *Sols.* Mackeson & Goldring, 59, Lincoln's-inn-fields. Oct. 30.

GLOVER, LOUISA, Spinster, Brighton. *Sol.* Barron, 96, Guildford-street, Russell-square, Middlesex. Nov. 19.

GRANT, ROBERT, Tailor and Draper, Bideford, Devonshire. *Sol.* Barnard, Bideford. Nov. 9.

HUGHES, MARY, Widow, Bath. *Sol.* Cruttwell, 5, Westgate-buildings, Bath. Nov. 17.

LICKFOLD, CHARLES, Cheesemonger, 6, Queen's Head-row, Lower-street, Islington, Middlesex. *Sols.* Boulton & Sons, 21a, Northampton-square. Nov. 1.

LUCK, JOHN, Glass and China Ware Dealer, Grafton House, Tunbridge Wells, Kent. *Sols.* Howard, Halse, & Trustram, 66, Paternoster-row, E.C., and Tunbridge Wells. Dec. 28.

SHELLY, RICHARD, Butcher, Nottingham. *Sol.* Brewster, Nottingham. Oct. 30.

SMITH, RICHARD, Porter, 12, St. John's-place, Grange-lane, Birkenhead, Chester. *Sols.* Drewe & Serjeantson, Walmer-buildings, Water-street, Liverpool. Oct. 31.

WHITE, STEPHEN, Gent., Church-street, Warminster, Wilts. *Sol.* Pullen, Warminster. March 1.

FRIDAY, Oct 4, 1851.

BRYAN, JONATHAN WAGSTAFF, Esq., 17, Clement's-inn, Middlesex. *Sol.* Turner, 13, Clement's-inn, London. Dec. 9.

BURRIDGE, WILLIAM, Wholesale Hat Manufacturer, 27, Bridge-street, Southwark, Surrey. *Sols.* Young & Plews, 29, Mark-lane, London. Nov. 30.

CATTERNS, FRANCES, Spinster, Queen's Head-lane, Islington, Middlesex. *Sols.* W. & J. Sparling, 1, King's-road, Bedford-row. Dec. 6.

CROSS, ANNE, Widow, Liverpool. *Sols.* Eden & Stanistreet, Liverpool. Oct. 31.

HATFIELD, Rev. JOHN HANSON, Clerk, Chaplain to the Choriton Union Workhouse, Withington, Lancashire. *Sol.* Jackson, Chancery-place, Manchester. Oct. 13.

JONES, THOMAS JOHN, otherwise THOMAS JONES, Atkins-road, Clapham-park, Surrey. *Sols.* Madox & Wyatt, 30, Clement's-lane, Lombard-street, London. Dec. 25.

LOCKWOOD, GEORGE BROCKMER, Banker's Clerk, formerly of Retford, Nottingham, and late of Ordsall, Nottingham. Eliza Lockwood, Widow, Ordsall, and John Marshall Dewick, Grocer, East Retford, Executors. Nov. 16.

SCOTT, FRANCIS EDWARD, Wine Merchant, 22, St. Swithin's-lane, London. *Sols.* J. & T. Gole, 49, Lime-street, Leadenhall-street, London. Oct. 31.

SIMPSON, WILLIAM BOOTHMAN, Commission Agent, Leeds. *Sols.* Snowdon & Son, 36, Bond-street, Leeds. Nov. 12.

WALKER, ABRAHAM, White Abbey, Bradford. *Sols.* Rawson, George, & Wade, Kirkgate, Bradford. Dec. 2.

WHITE, RICHARD, Gent., Priors Halton, near Ludlow, Salop. *Sol.* Newill, Wellington, Salop. Dec. 2.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Oct. 1, 1861.

(County Palatine of Lancaster.)

TOMKINSON, JOHN, Salt Proprietor, formerly of Liverpool, but at the time of his death of Witton-cum-Twambrookes, Chester. Tomkinson *v.* Lowe, Office of Registrar, 1, North John-street, Liverpool. Oct. 24.

Assignments for Benefit of Creditors

TUESDAY, Oct. 1, 1861.

CHAPMAN, EDWARD, Merchant, Kingston-upon-Hull. *Sol.* Meinds, 98, Coltman-street, Kingston-upon-Hull. Sept. 11.

CHAPMAN, JOHN, Veterinary Surgeon, Gainsborough. *Sol.* Burton, Gainsborough. Sept. 23.

NUTTALL, ROBERT, Manufacturer and Grocer, Bury, Lancashire. *Sols.* T. A. & J. Grundy & Co., Manchester. Sept. 6.

PHILLIPS, EDWARD, Grocer, Rawmarsh, Yorkshire. *Sols.* Ridsdale & Craddock, 5, Gray's-inn-square. Sept. 19.

PRICE, THOMAS DAVID, & GEORGE ASHBY SWANN, Warehousemen, 45, Friday-street, Cheapside, London. *Sols.* Linklater & Hackwood, 7, Walbrook, London. Sept. 5.

SCOTT, HORATIO WILSON, & GEORGE PARKINSON WRIGHT, Woollen Warehousemen, Vigo-street, Middlesex. *Sols.* Bell, Brodrick, & Bell, 9, Bow Churchyard, London. Sept. 17.

FRIDAY, Oct. 4, 1861.

BELTON, THOMAS STOREY, Malster, Kingston-upon-Hull. *Sol.* Shackles & Son, 7A, Land of Green Ginger, Kingston-upon-Hull. Sept. 16.

COFFEN, EDMUND, Baby Linen Warehouseman, 9, Sussex-terrace, Westbourne-grove, Middlesex. *Sol.* Burkitt, Currier's-hall, London-wall, London. Sept. 6.

LAKEMAN, JOHN, and JANE EDWARDS, Hosiers and Drapers, 11 and 12, High-street, Barnstaple, and Torrington, Devonshire. *Sols.* Smith, 1, Frederick's-place, Old Jewry, London. Sept. 12.

MARSH, EDMUND ALFRED, Grocer, 8, Gloucester-place, Old Kent-road, Kent. *Sols.* Wilde, Rees, Humphrey, & Wilde, 21, College-hill, London. Sept. 11.

MILLS, CHARLES, jun., Tailor and Woollen Draper, Stratford-upon-Avon, Warwickshire. *Sol.* Hobbes, Stratford-upon-Avon. Sept. 26.

PARRY, EVAN, Carrier, Leather Dealer, and General Shopkeeper, Llangefni, Anglesey. *Sol.* Owen, Llangefni. Sept. 23.

PROFFITT, THOMAS, Collar Maker, 28, Clifton-street, Finsbury, Middlesex. *Sol.* Peverley, 19, Coleman-street, City. Sept. 6.

WESTON, JAMES, Miller, Ticehurst, Sussex. *Sol.* Tourney, Ticehurst. Sept. 5.

Bankrupts.

TUESDAY, Oct. 1, 1861.

BRADLEY, RICHARD, Broker, Handsworth, Staffordshire. *Com.* Sanders: Oct. 16 and Nov. 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Hodgson & Allen, Birmingham. *Pet.* Sept. 24.

BUTTERFIELD, WILLIAM, & JAMES BUTTERFIELD, Earthenware Manufacturers, Tunstall, Staffordshire. *Com.* Sanders: Oct. 14 and Nov. 6, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Litchfield, Newcastle-under-Lyme; or James & Knight, Birmingham. *Pet.* Sept. 9.

EASINTON, JOHN, Leather Seller, Salisbury. *Com.* Goulburn: Oct. 12, at 11.30; and Nov. 13, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Kelsey, Salisbury; or Bothamley & Freeman, 30, Coleman-street, London. *Pet.* Sept. 27.

GOLDSMITH, THOMAS, Baker, Confectioner, and Dealer in Flour, Malt, Hops, Corn, and Seed, and British Wines and Tea, St. Stephen's-street, Norwich. *Com.* Goulburn: Oct. 12, at 12; and Nov. 14, at 11; Basinghall-street *Off. Ass.* Pennell. *Sol.* Storey, 6, King's-road, Bedford-row, London; or W. Ladd, Jun., Norwich. *Pet.* Sept. 30.

HARRIS, CHARLES, Ironmonger, Stratford-le-Bow, Essex. *Com.* Fane: Oct. 11, at 2; and Nov. 8, at 1; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Sole, Turner, & Turner, 68, Aldermanbury. *Pet.* Sept. 20.

FRIDLINGTON, JESSE, Miller and Farmer, Southorpe Mill, Northamptonshire. *Com.* Goulburn: Oct. 12, at 11; and Nov. 14, at 12.30; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Wright & Bonner, 15, London-street, Fenchurch-street, London; or Law, Stamford, Lincolnshire. *Pet.* Sept. 26.

LEAVERSLEY, THOMAS, & HENRY LEAVERSLEY, Silk Dyers, Coventry (Leaverley & Son). *Com.* Sanders: Oct. 11 and Nov. 7, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* E. & H. Wright, Birmingham. *Pet.* Sept. 27.

LORD, THOMAS, Cotton Spinner, Vale Mill, Todmorden, Lancashire. *Com.* Jemmett: Oct. 11 and Nov. 1, at 12; Manchester. *Off. Ass.* Fraser. *Sol.* Leigh, Manchester. *Pet.* Sept. 27.

NIXON, JAMES, Merchant and Commission Agent, Melbourne, Victoria, Australia, and Liverpool, England (Alfred Nixon & Co.). *Com.* Perry: Oct. 3 and 23, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Yates, jun. Fenwick-street, Liverpool. *Pet.* Sept. 20.

ROBINSON, WILLIAM, Grocer and Tea Dealer, Bradford. *Com.* Ayrton: Oct. 18 and Nov. 11, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Richardson, Old Jewry-chambers, London; or Bond & Barwick, Leeds. *Pet.* Sept. 18.

SPENCER, WILLIAM, & BENJAMIN SPENCER, Stage Carriage Proprietors, Stanley-street, Bury, Lancashire. *Com.* Jemmett: Oct. 16 and Nov. 13, at 12; Manchester. *Off. Ass.* Pott. *Sol.* Hewitt, Manchester. *Pet.* Sept. 20.

WORRALL, JAMES, Licensed Victualler, Briersill Head, near Rochdale. *Com.* Jemmett: Oct. 15 and Nov. 5, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Standring, jun., Rochdale. Sept. 28.

FRIDAY, Oct. 4, 1861.

BANKS, CHARLES WATERS, Printer & Publisher, Chapter-house-court, City, and 182, Dover-road, Southwark (R. Banks & Co.). *Com.* Goulburn: Oct. 14, at 2, and Nov. 14, at 11; Basinghall street. *Off Ass.* Pennell. *Sol.* Mote, 33, Bucklersbury, London. *Pet.* Oct. 3.

BUTTERY, CHARLES, Draper, Collier-gate, York. *Com.* Ayrton: Oct. 14 and Nov. 11, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Sole, Turner, & Turner, Aldermanbury; or Bond & Barwick, Leeds. *Pet.* Sept. 20.

DUFF, CHARLES, Printer, Park-house, Park-road, Peckham, Surrey, and 11, Crane-court, Fleet-street, London. *Com.* Evans: Oct. 15 and Nov. 14, at 2; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Kemp, 40, Henrietta-street, Covent-Garden. *Pet.* Aug. 30.

GRAY, JAMES BREWSTER, Draper & Milliner, 3, Grundy-street, Bromley, Middlesex. *Com.* Fane: Oct. 17, and Nov. 8, at 1.30; Basinghall-street. *Off. Ass.* Whitmore. *Sols.* Prall & Nickinson, 19, Essex-street, Strand. *Pet.* Oct. 3,

KELLY, HENRY, Builder and Contractor, Dale-place, Wandsworth, Surrey. *Com.* Evans: Oct. 15, at 11, and Nov. 14, at 1; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Proudfoot, 24, John-street, Bedford-row. *Pet.* Oct. 1.

LEA, WILLIAM BROWN, Brewer, Bridge End Brewery, Leek, Stafford. *Com.* Sanders: Oct. 18, and Nov. 7, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Richardson, 15, Old Jewry-chambers, London; or Southall & Nelson, Birmingham. *Pet.* Sept. 28.

MANDERS, ROBERT, Tailor, Exeter. *Com.* Andrews: Oct. 17, and Nov. 21, at 12; Exeter. *Off. Ass.* Hirtzel. *Sol.* Willesford, Exeter. *Pet.* Oct 2.

NUTT, JAMES, Silversmith and Jeweller, 28, Cheapside, London. *Com.* Goulburn: Oct. 19, at 12.30; and Nov. 14, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Solomon, 22, Finsbury-place, London. *Pet.* Sept. 24.

PETERS, JOEL, Builder, Lee, Kent. *Com.* Evans: Oct. 17, at 11; and Nov. 21, at 1; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Mote, 33, Bucklersbury. *Pet.* Oct. 3.

WILLIAMS, WILLIAMS, Scrivener, Norwich. *Com.* Goulburn: Oct. 19, at 1; and Nov. 20, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Sole, Turner, & Turner, 68, Aldermanbury, London; or Miller, Son, & Bugg, Norwich. *Pet.* Sept. 25.

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 4, 1861.

JAMES, WILLIAM CONWAY, Tin-plate Manufacturer, Pontnewydd Tin Works, Llanvrechva Lower, Monmouthshire. Oct. 3.

ROBERTSON, ELEANOR PENGREE, Innholder & Vintner, Royal Hotel Spa, Gloucester. Sept. 23.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Oct. 1, 1861.

JOHN TURNER, Licensed Victualler, 5, Little Ormond-street, Middlesex. Oct. 30, at 1.30; Basinghall-street.

FRIDAY, Oct. 4, 1861.

ELIAS MANSFIELD, Boat Wright, Timber Dealer, and Publican, Chesterton, Cambridgeshire. Oct. 31, at 2; Basinghall-street.—THOMAS LEEKS, Contractor, Norwood, Surrey. Oct. 18, at 11.30; Basinghall-street.—ARTHUR DUFFIE KIDD, Straw Hat Manufacturer, 19, Fore-street, and 11, Crippiegate-buildings, London (Archibald Duffie). Oct. 16, at 12; Basinghall-street.—FREDERICK WARNE FITT, Machinist, Selbourne, near Alton, Hants. Oct. 16, at 11; Basinghall-street.—JOSEPH JOHN CONNIHAN, & MAXIMILLIAN LINDT, 140, Fenchurch-street, London. Oct. 22, at 11.30; Basinghall-street.—NATHAN AARON JOSEPH, Importer of Foreign Goods, 19, Vine-street, Minories, London. (N. A. Joseph & Co.) October 16, at 2; Basinghall-street.—JOSEPH SAMUEL PARSONS, Watch Maker and Leather Seller, High-street, Brentford, and London-street, Uxbridge, Middlesex. Oct. 18, at 12; Basinghall-street.—GEORGE BARNETT, Butcher, 21, Felix-terrace, Liverpool-road, Islington, Middlesex. Oct. 18, at 12; Basinghall-street.—WILLIAM JAMES EPPS, Nursery and Seedsman and Hotel Keeper, Maidstone, Kent. Oct. 18, at 12.30; Basinghall-street.—THOMAS EDGE, Gas Meter Manufacturer, 59, Great Peter-street, and 30, Vincent-square, Westminster, Middlesex. Oct. 16, at 1; Basinghall-st.—JAMES RANDALL, Victualler, Byfleet, near Cobham, Surrey. Oct. 22, at 1; Basinghall-st.—WILLIAM BUDDLE, Builder, Delamere-terrace, Paddington, Middlesex. Oct. 29, at 12; Basinghall-street.—ALFRED SPENCE, Paper Manufacturer, Postford Mills, Chilworth, near Guildford, Surrey. Oct. 29, at 12; Basinghall-street.—WILLIAM SEYMOUR MARSHALL, Cooper and Hardwareman, Durham. Oct. 25, at 11; Newcastle-upon-Tyne.—JAMES BOLTON ROBERTSON, Draper, South Shields, Durham. Oct. 31, at 11; Newcastle-upon-Tyne.—JOHN WATSON HAMILTON, Stock and Share Broker, Birmingham. Oct. 31, at 11; Birmingham.

We cannot notice any communication unless accompanied by the name and address of the writer.

** *Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 12, 1861.

CURRENT TOPICS.

This day is signalised by the commencement of "The Bankruptcy Act, 1861," the time appointed in the Act being "from and after the eleventh day of October." Proceedings pending in the Court are not affected by this Act, and will be carried out under the previous law; but every petition filed on or after the present day will call into action the new law, and must be prosecuted accordingly. It may be useful on this occasion to recall to mind some of the principal matters under the new procedure, to which it will be necessary for practitioners, and all others interested in bankruptcy proceedings to direct especial attention. It should be remarked, once for all, that the new Act is an amendment of the law of Bankruptcy, and not the substitution of a new system; and therefore our readers who are already familiar with the law as hitherto administered, may confine their attention only to the changes which are now introduced. The system of insolvency is henceforth abolished altogether, and bankruptcy is now extended over the province previously occupied by that system; so that all debtors, whether traders or not, are now brought within the jurisdiction of bankruptcy. In its effects upon non-traders the Act will probably exhibit its most novel results in the eyes of the public. Non-traders thus rendered, for the first time, amenable to bankrupt law are, however, placed on a separate footing with respect to acts of bankruptcy and the process required to obtain adjudication. Acts of bankruptcy by a non-trader comprise departing the realm; remaining abroad; making a fraudulent conveyance of his estate; with intent to defeat or delay his creditors. But these acts can only be followed by adjudication upon certain conditions, providing that personal service of the petition shall be effected on the non-trader, or that the attempt to serve it should come to his knowledge and he evaded by him, and that sufficient time shall be secured to him to appear to it.

The acts of bankruptcy by a trader remain for the most part as defined in the Act of 1849, but in a few respects they are altered and modified. An act of bankruptcy made applicable to both traders and non-traders, consists in lying in prison, the former for fourteen days (previously the time was twenty-one days), the latter for two months. Another consists in filing a declaration in writing of inability to meet his engagements. A new act of bankruptcy is created for traders by suffering execution, by seizure and sale of goods upon a judgment debt exceeding £50. All judgment debtors for a debt of £50 are made liable to be summoned by their judgment creditors, and upon default of appearance or of settling, the debtor may be adjudged bankrupt without petition for adjudication or other proceedings.

A new provision is made for a species of gaol delivery of debtors in prison. The gaoler of every prison is to make a monthly return to the Court of the prisoners for debt and the particulars of their imprisonment; and the registrar of the court is to attend at the gaol and inquire into each case, with power to make an order of adjudication and to grant protection and order release. Besides this provision, pauper prisoners for debt are enabled to petition for an adjudication *in formâ pauperis*. These provisions will go far to abolish prolonged imprisonment for debt.

As to the process of obtaining adjudication, every petition must be filed in the court within the district where the debtor has resided or carried on business for the previous six months, subject to a power in the London court to order the petition to be transferred to any district. The provisions relating to the petitioning creditors' debt have been entirely re-cast upon the same basis as before as to the amount of the debts, but with considerable alterations in the description and computation of the debts framed with a view of settling the law on many points, and increasing the facility of the creditor to petition. The non-trader can only be petitioned against in respect of debts contracted after the passing of the Act. Any debtor may petition for an adjudication against himself, and the filing of his petition is an act of bankruptcy without any previous declaration of insolvency.

The proceedings upon the petition and the adjudication are carried on for the most part under the previous law. So likewise with the surrender and examination of the bankrupt. The bankrupt is required before his last examination to prepare or file a statement of accounts, which is to be open to all the creditors. In preparing it, he is to be assisted and checked by the official assignee, who is also to report upon the state of the bankrupt's affairs.

At the first meeting of creditors the majority in number and value of the creditors present may transfer the proceedings into the county court; also at the same meeting or at an adjournment, a majority in number and of three-fourths in value of the creditors may agree to an arrangement with the bankrupt and stay proceedings in bankruptcy. Immediately upon adjudication the estate of the bankrupt vests in the official assignee, as before, but with a discretion in the court to leave possession in the bankrupt. At the first meeting of creditors the majority in value appoint the creditors' assignee, and immediately upon the appointment of the creditors' assignee all the estate of the bankrupt devests out of the official assignee, and vests in the creditors' assignee. It is the duty of the creditors' assignee to manage and realise the estate, and convert it into money; but with respect to debts not exceeding ten pounds in amount the official assignee remains sole assignee, and it is his duty to collect and recover them. Provisions are introduced for securing the accuracy of the accounts of the two assignees, chiefly by a system of mutual checks; the creditors' assignee may also be required to give security. The collection, management, and disposal of the bankrupt's estate, and the rights and duties of the assignees, remain regulated, for the most part, under the provisions of the Act of 1849, with the exception that instead of the assignees therein mentioned, the sole assignee appointed by the creditors is substituted, and with some minor exceptions in matters of detail. The transactions and dealings of the bankrupt, which have hitherto been exempted from the consequences of bankruptcy, also remain adjusted as before.

The application and distribution of the bankrupt's property is not materially altered, the charges made being directed to the amendment of certain recognised defects, such as the cases of debts due by instalments, future premiums on policies of insurance, apportionments of rent and other fixed payments, and claims for unliquidated damages, all which are now included as proveable debts. Increased facilities are given for the formal proof of debts by the transmission of documentary evidence through the post-office and otherwise. Within four months of the adjudication a meeting of creditors is to be held for the purpose of examining the statement of accounts presented by the creditors' assignee and declaring a dividend; it is the duty of the official assignee to audit the accounts. Like proceedings for making-up and auditing the accounts are to be repeated at intervals of four months, until the estate is exhausted. Unclaimed dividends are to be transferred to "the unclaimed dividend account."

Certificates with their threefold classification are abolished, and in their place may be granted an "order of discharge." The Court may suspend the order of discharge, or may grant it subject to conditions touching after-acquired property. If any charges of misdemeanour are made against the bankrupt in answer to his application for an order of discharge, provision is made to secure him a fair trial, which may take place before the Court with the consent of the bankrupt, but which may be referred by the Court to the ordinary criminal tribunals.

The order of discharge discharges the bankrupt from all debts and demands proveable under the bankruptcy, and may be pleaded in a general form to any such cause of action accrued before the bankruptcy.

The greatest improvement in the Act will perhaps be found in the increased facilities afforded to debtors and creditors to arrange their affairs by agreement without the intervention of the Court. The complicated arrangements under the Act of 1849 are entirely done away with, and are replaced by one simple mode of agreement. A simple deed or instrument of agreement may be made and becomes binding on all the creditors if it satisfies the conditions that a majority of three-fourths in number and value of the creditors shall signify their approval in writing; that the trustees, if any, shall execute it; that the execution by the debtor shall be attested by an attorney; and that the deed shall be registered. Upon registration the agreement is made public in the *Gazette*, and all parties interested become subject to the jurisdiction of the Court in order to secure and carry out its provisions. The ordinary proceedings in bankruptcy may, as we have already noticed, be superseded by an agreement of this kind between the bankrupt and three-fourths of his creditors.

The above are amongst the most material changes in the law and practice of bankruptcy introduced this day. We sincerely hope that they be found as beneficial an amendment of the procedure in bankruptcy as we have recently seen effected in the courts of common law. The jurisdiction in bankruptcy, unlike that of the common law courts, is administrative and not litigious, and constitutes a most important instrument in commercial affairs. The test of efficiency is, therefore, comparatively simple, as the result of its operations can be ascertained with precision. The last returns showed the very unsatisfactory result that the process of adminstration involved an expense of more than thirty per cent. of the sum administered. The returns for the next year will, after all, furnish the only reliable test of the success of the new measure.

The General Orders made in pursuance of the new Act not being published until to-day, we must defer any further notice of them until next week.

Our attention has been frequently called of late to the apparently increasing practice of touting for law business by advertisements and circulars. We have always refrained as much as possible from any public discussion of this offensive subject, from a belief that such a course was most conducive to the true interests and dignity of the profession. What we are powerless to prevent we would willingly ignore. We have always been of opinion that the practice is comparatively unimportant as affecting the pecuniary interests of the profession, but that it is of vital consequence to its honour and social position. In order, however, to prevent the possibility of the practice in question deriving the least encouragement from even the semblance of toleration on our part, we deem it our duty, however unpleasant it may be, to call attention to the following specimen. We have selected it from amongst others forwarded to us, as being equal to any in infamy, and superior in pretension, and calculated especially to convey a downright insult to those members of the profession amongst whom it has been circulated, by supposing them capable of countenancing such a practice. It seems superfluous to add that men who can thus openly display an utter disregard of the character both of themselves and of their profession prove themselves quite unworthy of being entrusted with business of any kind.

——— street, London, E. C.
September, 1861.

Sir,—As a solicitor of 30 years' standing, at ——— in Suffolk, and in the metropolis (where I have acted as agent for several country attorneys), my attention has been more exclusively directed of late years, to the law of joint stock companies, bankruptcy and common law. Permit me to hand you the terms upon which I am transacting business for legally qualified country practitioners. My present place of business is most centrally situated, being within an easy distance of the Bank of England, Bankrupt and Insolvent Courts, Somerset House, Doctors Commons and the joint stock companies, chancery and other offices in and near the Temple. In the advocacy of several heavy and difficult cases as plaintiff in person, I have appeared both in banco and in the courts of equity on several occasions.

The agency fees will in no case exceed one third of the amount chargeable to the country attorney's proper client.

Apologising for thus troubling you, I am, Sir, most obediently yours.

	s.	d.
Writ of Summons, including the payment for signing, sealing, and transmitting to the country, whether above £20 or under that amount. If on a bill of exchange or note, a copy to accompany instructions	8	4
Appearance fee, including the payment	4	4
Attendance at any public office to make search, and bespeak extracts and afterwards, and for transmitting same	2	2
Attending counsel with, and several times for, case or papers, and transmitting	3	4
Attending and conducting hearing or opposition in Bankruptcy, local court, or where attorney entitled to appear, exclusive of omnibus fare to and from such court.	10	6

N.B.—No letters to country solicitors or term fees of any kind will be charged. In no case will the agency charge exceed one-third of those allowable between solicitor and client.

THE LIABILITIES OF RAILWAY COMPANIES AS CARRIERS.

The plain and simple principles of the common law have been severely tried in their application to the enormous extension of traffic and complicated transactions produced by the railway system. Contracts and wrongs, the two main branches of common law jurisdiction, appear in new shapes not easily recognised by the light of ancient rules and authorities. The law of carriers, occupying as it does an anomalous position with reference to this division of common law jurisdiction, not being exclusively assignable to either branch, or, in modern statutory language, "partaking of the character of both," was always, for this reason, a complex and embarrassing subject and required a liberal use of fictions and technicalities to preserve it from confusion in its administration. The native complexity of the subject, however, has been extrordinarily aggravated by the novel complications which have called for an application of the law; and in several instances extraordinary remedies have been devised to meet the emergencies which have arisen in the progress of railway traffic.

The duties and liabilities of railway companies as carriers of goods have been brought to something like a settlement by the Railway and Canal Traffic Act of 1854. Under this Act a quite new common law jurisdiction was instituted—not remedial, but mandatory, exercising a regulative supervision over the action of railway companies as carriers, for the purpose of securing to the public all reasonable facilities for traffic upon equal terms, and of preventing any undue favour or pre-

ference. The Act also restricts the common law right which carriers, by railway or canal, equally with the rest of the world formerly enjoyed of making what special contracts they might think fit, by annexing the statutory proviso that the terms of their contracts must be such as, if called in question, a judge shall deem to be just and reasonable. Their position, as goods carriers, may be described broadly as still resting on the basis of the common law, with the restrictive incidents thus imposed by the statute, that they must deal on equal terms with all, and that the limitations of their liability by special terms and conditions must be reasonable. One the whole, the system appears to act well, and certainly abundant liberty is reserved to the companies for the protection of their interests.

As carriers of passengers, the duties and liabilities of railway companies show similar deviations from the common law. It is remarkable that this branch of traffic was considered by the original projectors of railways of far less importance than the carriage of goods; but on the opening of railways was at once found to constitute their chief and most lucrative business. This unforeseen extension has given birth, in a corresponding manner, to unforeseen difficulties in its legal incidents, which have not yet been fully recognised or adequately provided for. The Railway and Canal Traffic Act applies equally to the traffic in passengers and to the traffic in goods; and its operation seems equally necessary and salutary in both cases. But besides this Act, Lord Campbell's Act for compensating the families of persons killed by accident, imposes a new and serious liability upon railway companies in regard to their passenger traffic. The recent fatal collisions on the London and Brighton and North London Railways have unfortunately given a wide field for the operation of this statute, and have directed an unusual degree of attention to its provisions. A few observations upon its policy and results will therefore, it is hoped, at this time be found not inappropriate.

The common law was not so stringent with carriers of passengers as with carriers of goods. The passenger carrier was bound to carry all comers who tendered themselves in a suitable state, both as to person and pocket, so long as he had accommodation to carry them; but beyond this there was no duty or liability except as provided by the terms of the contract. The carrier of goods was under a similar liability to carry, and was also an insurer of the goods received for carriage, which he was bound to make good if they were damaged or lost from any cause during the transit. The carrier of passengers was not an insurer, and was only liable for injuries to the passenger occasioned by the carrier's negligence; and in case of the death of the passenger all liability for negligence died with him. In theory the law remains unaltered in respect of the passenger carriers being liable for negligence only; but under the railway system the practical impossibility of a railway company escaping the imputation of negligence, combined with the extended consequences of negligence imposed by Lord Campbell's Act, render the railway carrier of passengers in effect an insurer; at least, every passenger may travel with a well-grounded confidence that in the event of accident his life is insured for the benefit of his family.

Lord Campbell's Act has now been tested by an experience which for a modern statute may be pronounced long. The result of this experience, and of much consideration of the statute itself leads us to the belief that however valuable it may have proved as a palliative for a pressing evil, it is not sufficiently complete and comprehensive for permanent use, or at least is capable of considerable amendment. We say this not in any spirit of disparagement of its late distinguished author, to whom is due the credit of having provided some practicable remedy for an evil of present urgency, but as a comment upon the Act considered as a piece of legal mechanism which we are induced to make in the interests of law, and which we think will be found to be justified by fair argument and criticism. This statute, however, may be referred to in passing, as a characteristic specimen of the rough and ready, but not always scientific workmanship of its author, while the great popularity with which it has been received may be also noticed as an appreciation of his services. As, however, the tendency of the enactment is all in favour of the public and against railway companies, its popularity is sufficiently accounted for without accepting it as any proof of the strict equity of the measure, still less of its perfection as a specimen of jurisprudence.

In criticising the act as the work of the Legislator, common fairness requires that a due regard should be paid to the antecedent state of the law, and the occasion which called for it. It was professedly a substitution for the ancient system of deodands. By the ancient common law, in case of death by accident, the instrument of death was forfeited as a deodand, to be disposed of for the benefit of the soul of the deceased. The specific deodand was gradually converted into a pecuniary fine assessed by the jury as the value of the instrument, in place of which it was paid; and this fine became forfeited beneficially to the crown, or the lord of the manor, after the ulterior purpose to which it was formally applied had been declared superstitious. Juries, however, were naturally disinclined to inflict a fine in this manner and with this destination, and gradually took upon themselves to diminish the amount, until the practice prevailed of assessing the deodand at an amount merely nominal. Upon the introduction of railways, however, their feelings were excited in an opposite direction, and they vented their indignation at the supposed negligence of railway companies by an exercise of their long dormant power of assessing the deodand at a substantial amount. This attempt to revive deodands was found to be quite alien to the spirit of the age, and quite inadequate to the requirements of the occasion; and at the same time the novel apprehensions excited by railway accidents called urgently for some legislative interposition. Accordingly, deodands, which had become practically obsolete, were abolished by statute, and in their stead was enacted the statute, which now passes by the name of the late Lord Chancellor, which was thus inspired by the twofold intention of providing a suitable penalty in place of the deodand, for the cause of death, and of appropriating the amount of the penalty by way of compensation to the relatives of the deceased.

The statute is now no longer to be considered on historical grounds, and only with reference to the purpose which called it forth. It retains a prominent place in our statute book, and occupies a position of serious importance in our social system. It must stand or fall by its own merits or demerits with respect to the circumstances of the present day, and by its intrinsic capacity to fulfil the functions which it undertakes to discharge. In this view we propose to discuss it, and we may fairly take as a test its manner of dealing with the relation between railway companies and their passengers, which is by far the most important and frequent subject of its operation, and that which it was most particularly designated to regulate. As the subject, we find, is too extensive for our present limits, we must reserve our observation on the details of the measure for another week, and confine our attention at present to a single point. It is a point, however, of vital importance, as it touches the very groundwork and principle of the statute.

Before this act came into operation, the action for damages caused by negligence, which resulted in death, was barred by the maxim of the common law: "*actio personalis moritur cum personâ.*" This maxim was originally universally applicable to all actions for wrongs, whether to person or property; but the superior wisdom of after ages appear to have interpreted it as exposing the deficiency rather than

expressing the policy of the common law, and to have arrived at the conviction that in common justice every vested right of action, so far as practicable, should pass to the representatives of the deceased party entitled. Rights of action in respect of injuries to property, real and personal, had already been thus secured to the deceased's estate by successive enactments; but rights of action in respect of injuries to the person had remained hitherto extinguished, as at common law, by the death. Was it then the policy of the statute to supply this defect of the common law in a similar manner in respect of rights of action for personal injuries? Does the statute in effect operate by transferring the deceased's right of action to his estate or representatives? or does the statute leave the common law untouched, and create an entirely new cause of action? The language of the enactment will be found most undecided and ambiguous upon this point, which nevertheless we venture to suggest is a point of serious importance, and one which goes to the very root of the claim. The question has on one occasion been incidentally mooted, but not in a manner to require a decisive examination. It may be safely predicted, however, that it will one day again present itself to the judges in a manner which will demand a solemn decision. We have only to suppose the very probable case, that a person injured in a railway accident should accept compensation from the company in satisfaction of the cause of action, and after receiving satisfaction should die of the injury, and that the claim under the statute in respect of his death should afterwards be preferred by his representatives against the company. The question might then be raised; would the right of action against the company for their negligence be wholly discharged by the satisfaction made to the deceased? or would the representatives of the deceased acquire a new and distinct cause of action notwithstanding the satisfaction?

In whichever way the point is decided, the results will be remarkable; if the action in question is that of the person injured, the company by a speedy adjustment of the claims for compensation may often avoid the more serious liability arising upon the death; if on the other hand the action is that of the representatives, the company may be actually compelled to pay full compensation to the deceased, and yet remain liable for damages to his relatives, who, at the same time, may be the very persons who have become entitled by the death to the previous compensation.

The fact that this question is left open to argument on the face of the statute is a conclusive proof that in framing its provisions their bearing upon the previous state of the common law did not receive a due measure of consideration. Attention appears to have been directed too exclusively to the avowed objects of replacing the ancient deodand by another form of penalty and providing for its distribution amongst the family of the deceased. It appears to have been overlooked, that the party injured, if he survived a sufficient time for the purpose, might himself have his action for the negligence of the company, and recover compensation, which, in case of serious injury might and probably would be greater in amount than that assessed upon his death. It could scarcely have been intended that the company should suffer the penalty for their negligence twice over; nor on the other hand that by a speedy settlement with persons slightly injured they should be enabled to escape the risk of ultimate liability to the family in case of death. The liability of the company ought at any rate to be adjusted on such terms as would avoid these uncertainties; and the statute requires a corresponding amendment. What particular form of amendment is expedient, and upon what principles the liability of the company should be finally adjusted, are questions to which we can only attempt an answer after a full consideration of all the provisions of the statute, which we are compelled by our present limits to postpone to a future occasion.

Correspondence.

USAGES OF THE PROFESSION.

I observed in the number of the *Solicitors' Journal* for the 28th ult., the Report of the Committee of the Incorporated Law Society, in which they mention that during the last year they have decided several points of practice and usage, such as the mortgagee's solicitor's charge for receiving notice of incumbrance and communicating it to his client, &c. These decisions are entered in a book, and may be inspected by members; but as very few members are likely to take the trouble to search this book when they are in doubt on any point of professional usage, or as to the proper charge for any business, and as the decision of the Committee would in most cases satisfy the parties to any dispute on the subject, the publication of these decisions would be very useful, not only to the members of the society, but to the profession at large.

Would you therefore permit me to suggest that in future the Committee should either print a short abstract of each point decided, along with their Report, or should furnish the *Solicitors' Journal* with a copy thereof, which I have no doubt you would be willing to print for the information of your readers.

Q.

[In the report of the Council of the Society for 1859 it is stated that as soon as a sufficient number of the above points had been collected to be generally useful to practitioners the Council would take into consideration the expediency of revising and publishing them. We have no means of access to the books alluded to by our correspondent, but should be glad to render any assistance to our readers on the subject by publishing abstracts of such cases, if favoured with them.—Ed. S. J.]

GIFT OR SETTLEMENT OF PERSONALTY.

I think there can be no question that the deed of assignment mentioned by R. E. J. in your number for the 28th September last, would require to be registered pursuant to the 17 & 18 Vict. c. 36. It is clearly laid down in the case of *Fowler v. Foster*, Q. B., 23 Jur. 99, that the exception of a "marriage settlement" in sect. 7 of the 17 & 18 Vict. c. 36, does not apply to a post-nuptial settlement made in consideration of natural love and affection; and as the property would most probably remain in the possession of the assignor, the deed of assignment would be held to be in the nature of a "declaration of trust without transfer," which, by sect. 7 of that Act, is included in its provisions.

T. T. C.

The Provinces.

BRADFORD.—In addition to the salary of £800 per annum which Mr. Joseph Rayner, the newly-elected town clerk, will receive in that capacity, he is allowed to continue his private practice as a solicitor in offices provided by the corporation.

BRISTOL.—On the 23rd of September last, George Gale, collector of tolls at the White Ladies turnpike gate, Bristol, was summoned before the magistrates of that city by Mr. Shipton, solicitor, a member of the Bristol Volunteer Artillery Corps, for having demanded toll of him, he being in the uniform of a Volunteer Artilleryman, and being on his way to the practice ground of the corps, near the mouth of the Avon. Mr. Shipton was accompanied by other volunteers, but it was admitted that there was a civilian in the carriage with them, and owing to his presence the defendant insisted on the toll being paid. On the 5th inst., the magistrates delivered a lengthened judgment, in which, after having reviewed the points raised by the information, which depended mainly on the construction of the Act 24 & 25 Vict. c. 126, they came to the conclusion that exemption from toll for carriages conveying Volunteers could be claimed for carriages employed only in carrying or conveying Volunteers, and that for this reason the exemption claimed in the case before them could not be allowed. Judgment was therefore given for the defendant.

Mr. Robert Handsley, of Burnley, Lancashire, has been appointed a perpetual commissioner for taking the acknowledgments of deeds by married women, for the county of Lancaster.

Metropolitan and Provincial Law Association.

This Association held its ninth annual provincial meeting, in the lecture room of the Worcester Natural History Society, at Worcester, on the 8th and 9th inst., at which John Smale Torr, Esq., the Chairman of the Association, presided. The meeting was attended by a large and influential body of the profession practising in the provinces and the metropolis.

Among those present were Messrs. W. Shaen, P. Rickman, London; W. Matthews, Gloucester; J. Burrup, Gloucester; H. Harris, Gloucester; E. Banner, Liverpool; C. A. Smith, Greenwich; W. Radcliffe, Liverpool; J. Bulmer, Leeds; J. H. E. Gill, Liverpool; J. Eden, Liverpool; J. Rawlings, Birmingham; H. Holden, Worcester; G. Stallard, Worcester; R. A. Payne, Liverpool; T. Hodgson, York; E. Ball, Pershore; R. Wood, Worcester; T. Avison, Liverpool; R. T. Brockman, Folkestone; E. Benham, London; J. Case, Maidstone; J. R. Shaw, Leeds; T. P. Bunting, Manchester; H. G. Taylor, Saint Helens; J. Street, Manchester; J. Anderton, London; J. Jones, Worcester; A Ryland, Birmingham; T. Dry, London; S. Tombs, Droitwich; G. Bower, London; J. Turner, London; H. T. Sankey, Canterbury; A. Harper, Worcester; T. Hyde, Worcester; A. Day, Kidderminster; J. G. Hepburn, London; G. Parry, Stourbridge; E. Corles, G. Clark, J. Parker, W. G. Goldingham, W. Allen, E. Gillam, S. M. Beale, W. Meredith, and W. C. Quarrell, Worcester; J. Ridley, Liverpool; G. Bower, London; J. W. Garrold, Hereford; J. H. Jones, Worcester; J. Anderson Rose, London; and J. Hill, Worcester. The proceedings were opened by the Chairman, who delivered the following talented and interesting address. He said—

Gentlemen,—In opening the proceedings of this, our ninth annual provincial meeting, I ought in the first place to congratulate the Association on the fact of our being now assembled at Worcester on the invitation of our professional brethren of this city and neighbourhood, because it seems to be an indication that the appreciation of the importance and necessity of the organization and union of our profession, which has for years actuated its members who practise in the great commercial towns, is extending itself to those whose lot is cast in the more agricultural districts of our country. The chief supporters and even organizers of our Society have been hitherto, as you are aware, the solicitors of the manufacturing and commercial localities. They, many years ago, shrewdly foresaw that the great changes which had taken, and were taking, place in the political and commercial worlds, and in our social system, must necessarily give rise to and be followed by important and possibly fundamental alterations in our laws, and in the administration of them. They felt that, unless the practical information and experience in connection with our legal system, which was possessed solely by the solicitors of England, could be imported into the arrangement of these alterations, all legislation on them must necessarily be crude, to a great extent impracticable, productive of mischief to the community at large, and in all probability needlessly injurious to our professional body; and they well knew that unless our profession itself cared for, and looked vigilantly after, its own interests in the course of these alterations, those interests and the prospects of the profession generally must be sacrificed; as the solicitors, although forming so important a body, and so influential in many instances as individuals, were comparatively unrepresented in the Legislature, and had no reason to expect sympathy or protection from those who were likely to be the promoters of the anticipated changes. They well knew, too, that the individual efforts of a member here and there of our profession, or even of a local law society, would avail but little where there was no unity of effort or action in the body generally, and that whilst the solicitors remained disunited, and, as it were, a mere rope of sand, the Legislature would not be likely to provide for or heed their interests or wishes. The promoters of this Association, therefore, determined on endeavouring to unite the scattered and unconnected members of the profession in an entire body, to the intent and in such manner that the force and influence of the whole should be collected and centred in one powerful focus of action. And they started this Association upon the principles and with the objects which are stated in our prospectuses—viz., that "The objects of the Association are to unite and organise the influence of practising attorneys and solicitors throughout England and Wales; to promote the better administration of the law; and to protect the rights, and increase the usefulness of, the profession." The success of the Association has fully justified the foresight and efforts of its founders. The benefits attained, the mischiefs averted, and the useful influence of the Association upon passing events connected with the enactment and administration of our laws, have been numerous and important in a variety of modes and directions, as proved by the contents of the several annual reports of the proceedings of this Association from the period of its foundation to the present time. Much, however, still remains to be accomplished; and there is great reason to apprehend that measures will in future years, and perhaps at an early period, be attempted in the Legislature which will require the most vigilant attention of the Association, and the utmost exertions of its members to resist or modify, and it is possible that some of those measures may affect as seriously, if not more so, our brethren of the agricultural districts as those of the commercial ones. It is, therefore, particularly satisfactory to see the just appreciation of the necessity and usefulness of the Association which some of our professional brethren of Worcester and its neighbourhood have shown in inviting us here on this occasion to explain the objects of the Association, and to state what it has succeeded in doing for the benefit of the profession, and what it proposes for the future. We gladly avail ourselves of the invitation, and trust that the result will be as satisfactory in the way of increasing our numerical strength and consequent usefulness and power as our provincial meetings have hitherto proved in other localities; and further that Worcester may prove an example which may be followed by the solicitors of other comparatively agricultural districts for their own benefit as well as that of the Association and of the profession at large.

I will now, then, proceed, with your permission, to discharge my principal duty in opening these proceedings—viz., that of narrating to you the operations of your Committee of Management since the last meeting, and their results, that all the members may, before proceeding to a discussion, be in full possession of all that has been done by the Committee since the meeting in April last up to the present time. You have all received, and, I doubt not, will be willing that I should assume that you have read and are acquainted with the contents of the Report which was presented at that meeting, and that you will not desire to have repeated now any of the facts and circumstances therein stated.

Professional Education.

I fully anticipate your approval in taking first in order our proceedings relative to the education of the future members of our profession, as it is a subject in which so much interest has been evinced by so many of our members, and one which if likely to affect to so important, and I trust beneficial an extent, the future of the profession to which we belong. You will be aware, from the report presented at the general meeting in April last, that the judges were then about to make regulations respecting preliminary examinations in general knowledge, and intermediate examinations in legal knowledge, in accordance with the provisions of the Attorneys, Solicitors, Proctors, and Certificated Conveyancers Act of 1860. It will be recollected by most, if not all, of you, probably, that in the regulations for conducting the examinations under the said Act, which were originally proposed to be submitted for adoption by the Council of the Incorporated Law Society to the judges, it was contemplated that all the examinations under it should be held exclusively in London, and none in the provinces. Your Committee were strongly of opinion that facilities should be offered for conducting the preliminary examination, before articles at least, as well in the country as in London, as they considered it would be highly objectionable, and attended with unnecessary expense and peril, to compel youths residing in the provinces of only sixteen years of age, and fresh from school, to take a journey to London merely for the purpose of passing the brief, simple, and non-legal preliminary examination proposed, which it was manifest could be conducted with equal efficiency at any place in England at which there happened to be a schoolmaster as in London. Your Committee consequently proceeded to consult the various provincial law societies and many individual solicitors of experience practising in the country upon the subject, and finding their opinions to coincide with those of your Committee, they proceeded to lay their views before the Council of the Incorporated Law Society, and at the same time suggested for consideration a simple and, as they believed, satisfactory method for conducting the provincial examinations. The suggestions of the Committee were so far approved that in the amended proposed regulations, which were framed by the Council on the 18th of April last, it was no longer declared that the preliminary examinations

should necessarily be held in London, but that they should be held "at such places as the examiners should from time to time appoint," and some other suggestions of your Committee were at the same time likewise adopted. To these amended regulations, however, was still appended the expression of the opinion of the Council that all the examinations had better be held in London, and it was proposed that the fee to be paid by each examinant on the preliminary examinations should be only £1. Your Committee apprehended that such a small fee might be found inadequate to defray the cost of an examination in the provinces, particularly if held by special examiners, and thereby prevent the examiners from appointing under the discretionary clause any "places" in the country for the holding of their examinations; and your Committee therefore wrote to the Council to suggest that power should be taken in the proposed regulations to double or treble this fee if found needful, and suggested that an account should be kept of the receipts and application of such fees, which should be open to the inspection of the profession, so that application might afterwards be from time to time made, if thought fit, to the judges to increase or diminish the amount of the same under the power given to them by section 20 of the Solicitors Act (23 & 24 Vict. c. 127). No decided answer was received to this communication; and at a meeting of the Committee held shortly afterwards, it was resolved that a memorial should be presented to the judges themselves, requesting them to order, by the regulations then about to be made by them, that the fee to be paid by each person on receiving his certificate of having passed the preliminary examination, should be sufficient to admit of the expense of a country examination being incurred, and suggested that it should be two guineas at the least, it being, in the opinion of the meeting and of all the provincial Law Societies and members of the association who had been consulted, most desirable that facilities should be offered to young men of passing such preliminary examination at or near their own homes, instead of being compelled, at such early ages, to travel to London for the purpose. A memorial to this effect was accordingly prepared and presented to the Lords Chief Justices, the Master of the Rolls, and the Lord Chief Baron, and a letter was afterwards written to the Master of the Rolls requesting him to receive a deputation of your Committee on the subject. For this his Honour immediately fixed a time, when he was waited on by Mr. T. H. Bower, Mr. Field, Mr. W. Shaen, myself, and your secretary, and the result of the somewhat lengthened conference that ensued was, that Sir J. Romilly appeared fully to approve of the above and other suggestions made to him by your Committee. The entire success of these efforts of the Committee will appear from the following extracts from the recently published regulations issued by the judges. The preliminary examination under the 8th section of the Act is thereby directed to be held at such times and places as the examiners shall from time to time appoint, "and either by themselves or under their direction, in case the examination shall be conducted in the country," and again "with respect to candidates residing in the country, their examination may be conducted by the transmission by the examiners of papers to some person or persons to be appointed by them for that purpose in certain towns to be selected in England and Wales, who shall call the candidates before them at convenient times, to be fixed by the examiners, and require them to give written answers in the presence of the persons so appointed who shall then seal up and send to the examiners in London the answers so written." This portion is nearly in the very words of the suggestion of the committee. Again, the regulations continue—"The persons so appointed to be remunerated out of the fees to be paid on receiving their certificates by the candidates examined in the country. Each person examined in London, on receiving his certificate, to pay the fee of £1, and each person examined in the country, on receiving his certificate, to pay the fee of £2, to the Council of the Incorporated Law Society." The intermediate examinations are also, as suggested by your Committee, to be conducted at such times and places as the examiners shall from time to time appoint. Other suggestions of your Committee of less importance are also found adopted in the judges' regulations. Your Committee have laboured for many years to obtain the adoption of a more perfect system of examinations, happily secured at last by the late Act, in which the views and wishes of your Committee were to so great an extent approved and adopted by the Legislature; and it is further gratifying to the Committee to find that their views on the details and practical working of the examinations under the Act have met with the approval of, and been adopted by, the judges in the regulations for carrying that Act into effect. Your Committee will watch with great interest the development of these newly-established examinations, and not fail to endeavour to secure the adoption of any further measures relating to them which practical experience may show to be requisite.

The Chancery Funds.

I will next touch upon the subject of the management of the chancery funds, which is one in which this Association has also for many years taken a great interest, and frequently petitioned the Legislature respecting it. The nature of the memorial which the Committee presented to the then recently appointed Chancery Funds Commissioners, at the very outset of their labours, as to the matters complained of in the practice of the Accountant-General's Office, was fully described in the last report. That memorial was received by the Royal Commissioners at their first meeting. It was immediately ordered by them to be printed, and the important suggestions which it contained were at once taken by them into consideration, and have since constituted, it is believed, a large share of the Royal Commissioners' labours, your Committee having stood somewhat in the light of prosecutors of the enquiry before them. I subsequently received a letter from the Secretary to the Commission, inviting me to procure, either from such individual members of the Association as might be willing to assist the Commission, or from a sub-committee, a further expression of their opinion in reference to the matters of complaint alleged to exist in connection with the Accountant-General's department, and the best means of remedying the same. Accordingly, I immediately convened a meeting of the sub-committee already appointed to consider this subject. It held numerous meetings, and discussed fully the details and mode of effecting the reforms which had been proposed by our memorial; and an elaborate paper of "observations and suggestions" was prepared by the sub-committee, and laid before the Royal Commissioners in July last, and which has also been ordered by them to be printed, and is now under the Commissioners' consideration. Your Committee anticipate with great confidence the adoption by the Royal Commissioners of many, if not all, of the important reforms proposed by the sub-committee.

Practice and Costs.—Probate District Registries.

Another subject of interest is that which relates to the recent changes in the practice and costs in the Probate Court District Registries. Your Committee have been for some time past endeavouring to discover means to get rid of the great anomaly of Probate Court District Registrars being permitted to practise in their own courts, and thus to be themselves the preparers of the evidence of which they were afterwards to be the *quasi* judges. On the 16th April last, in order to carry out a plan for payment of these registrars by salary instead of by fees (which were thenceforth to be taken in stamps and paid over to Government) enunciated in a previous treasury minute, drawn up in pursuance of the power given in the 111th section of the Probate Act of 1857 (20 & 21 Vict. c. 77), regulations were issued by the judge of the Probate Court, directing that from and after the 1st May last it should be part of the duty of the District Registrars of the Court of Probate to prepare affidavits and all other necessary documents for parties applying to them in person for grants of probate or letters of administration. To this order is appended a table of fees to be taken (in addition to the ordinary fees, and also in stamps, and for the use of Government) when applications are made by parties in person, and not through a proctor, solicitor, or attorney. These additional fees are considerably less than (in most cases about one-half) the fees directed by the rules and regulations of the Court to be taken for their own use by attorneys, solicitors, or proctors, when applications are made through them. Thus, Government offices have, in effect, been established in all the district registries to compete, and at lower charges, by means of salaried lawyers, with the provincial solicitor for the whole of his common form probate business. The credit of the first move to obtain a remedy of this unfair proceeding on the part of Government is due to the Manchester Law Association. They first prepared a memorial to the judge of the Probate Court, setting forth the grievances of the country solicitors in the matter; and it was arranged that a memorial from this Association to a similar effect should be sent in, and also that memorials from the provincial law societies should be collected by your secretary, and forwarded with the Manchester memorial and our own *en masse* to Sir C. Cresswell. Accordingly, memorials from the Liverpool, Birmingham, Hull, Kent, Leicester, Lincolnshire, and Yorkshire, Law Societies, and from

eighty-five solicitors practising in Bristol, were presented with the two others to the judge of the Court of Probate, who appointed to receive deputations on the subject on the 29th of June last. He was accordingly waited upon by Mr. Street, the President of the Manchester Law Association, and Mr. Baker of Manchester; Mr. Jones, the Vice-President of the Birmingham Law Society; Mr. Hebb, of Lincoln; and Mr. T. H. Bower, Mr. W. Shaen, myself, and your Secretary. I will just notice *en passant* another instance and mark of the uniform courtesy and consideration which the representation of the interests of a large number generally procures, that Sir C. Cresswell had appointed to receive the deputations at the rising of his Court, which his secretary informed yours would (it being a Saturday) probably take place at 2.30, but a long case being on at that time, the judge very kindly suspended the proceedings in order to avoid detaining the members of the deputations, and retired with them to his private room, heard patiently all they had to set forth, and fully discussed the questions with them. His lordship admitted the force of the objection that those who prepared documents should not also be the judges of their sufficiency, and stated that before the issuing of the recent rules he had desired to prevent district registrars from practising in their own courts, but had not power to do so. He considered that the new regulations effected a great improvement in this respect, as the registrars would not, now that they are paid by salaries, have any pecuniary interest in the work, and, therefore ("being human," to use his words), would not be likely to seek it. He thought the change in 1857 had largely benefitted the solicitors, and that the public ought to be admitted to share in that benefit. He also mentioned that a similar arrangement would soon be adopted in London. We suggested that if the order could not be entirely rescinded, at least the fees to be taken by the Government should be raised to the same amount as those prescribed to be taken by solicitors, to get rid of the unfairness of the Government not only entering into competition with, but underselling a profession which it taxed beyond all others, and which was consequently rather entitled to protection than invasion of its rights and privileges. As to altering the fees, however, his Lordship intimated that any proposal for that purpose, to be successful, must receive the previous sanction of the Lords of the Treasury, who had suggested the present scale of fees, and who had made definite arrangements with the district registrars for the payment and amounts of their salaries out of them; and he intimated that the low scale of fees to be taken by the Government was fixed he believed, entirely without reference to the question whether it would or would not undersell or injure the solicitors, and only with regard to the amount that would probably remunerate the Government for the additional salaries which it was in future to pay to the district registrars. In accordance with this intimation a memorial setting forth the case of the provincial solicitors more fully, was presented to the Lords Commissioners of the Treasury by the Committee, after which it was printed and copies forwarded to all the provincial law societies, with a request that they would (if they approved) also address similar memorials to the Treasury. The memorials both to Sir C. Cresswell and the Treasury, were also published in the *Solicitors' Journal* and other law newspapers, which urged upon the profession generally a vigorous course of similar action. Further memorials have since been presented by the Committee to the Lord Chancellor and to Sir A. E. J. Cockburn, whom (his signature being appended to the order complained of) we thought it right also to put in possession of the facts shewing the grievance which the order had created. We have since received a letter from the Lord Chancellor's principal secretary, assuring us that the subject shall receive the careful consideration of his lordship. Memorials to the Treasury from the Liverpool, Hull, Birmingham, Yorkshire, Lincolnshire, and Gloucestershire Law Societies, and to Sir C. Cresswell from the Leicestershire Law Society, have been forwarded to your secretary, and presented by him. The Manchester Law Association memoralised the Treasury through Mr. Massey, M.P.; and Mr. Ingham, M.P., had an interview with Sir C. Cresswell to communicate the views of the Newcastle and Gateshead Law Society. The matter now awaits the decision of the Treasury and the other authorities.

As to Custody of Wills.

It was lately brought under the notice of the committee that the wills and other documents deposited in one of the archdeaconal registries had not yet been transmitted to the proper registry in accordance with the provisions of the 89th section of the Probate Act of 1857 (20 & 21 Vict. c. 77); that the ecclesiastical registrar was pensioned off under the Act, and that his deputy, who had the charge of such wills, &c., had died, whereby inconvenience was occasioned, and the safety of the wills, &c., endangered. The Committee lost no time in communicating with Dr. Bayford, the Principal Registrar of the Court of Probate, on the subject, and (it being understood that there were also other cases of documents untransmitted) suggested that requisitions, under the seal of the Court of Probate, might be at once issued to all persons having the custody of such documents, requesting them at once to transmit the same to be deposited and arranged as directed by the Act. In reply, Dr. Bayford stated that the reason why some of the wills which were to come to the Principal Registry had not already been transferred there was that the Government had not yet afforded accommodation for them, thus giving another instance of the gain which will be afforded to the public by the carrying out of the plan for the concentration of the metropolitan courts and offices; for, with this comprehensive scheme in view, it is not probable that Government can be induced to add to the already great number of sparsely situated offices by engaging an additional building for the deposit of testamentary papers. Dr. Bayford added that, saving as to the metropolitan district, all the wills, excepting some at York and Lichfield, were already lodged in their proper depositories.

Usages of the Profession—Mortgage Costs.

A short time since the opinion of the Committee was sought by a member practising in a large provincial town, as to what other charges in cases of mortgages were made in London when the procuration fee was charged. Their reply was, that in London the procuration fee, when charged by the lender's solicitor, is supposed to cover all preliminary expenses for the negociation of the loan, such preliminary expenses including all attendance and other charges up to the receipt of the abstract; the charge for perusing which should then form the first item of the mortgagee's solicitor's bill of costs, which is otherwise unaffected by the charge of the procuration fee.

The learned Chairman then proceeded to state to the meeting what had been the operations of the Association in connection with the several important parliamentary measures of last session affecting the interests of the profession, including the Bankruptcy and Insolvency Bill, the Excise and Stamps Bill, the Courts of Justice Building and Money Bills, the Parochial Assessments Bill, the East India High Courts, and the Income Tax Act.

Registration of Deeds or Title.

On this subject the learned gentleman said—

"Nothing has been attempted during the past session on the great subjects of deeds or title registries; but I fear we must not, on that account, lull ourselves into any fancied security against invasion of our present privileges, as the spirit of change in that direction is still alive, and as the new Lord Chancellor is supposed to be an advocate of a fundamental reform in the present system of conveyancing. Should we fail on other points, at least we shall lay claim to compensation as the proctors did, seeing how highly and exceptionally we are taxed for the privilege of practising. If the Government is charged with the care of all classes of her Majesty's subjects, surely it must not be allowed to ignore, and even injure a class of them, numbering 10,000 individuals, who have been expensively educated purposely for the work, which the Legislature would be asked to sweep away, and on whom the nation draws so largely in taxation. It ought to be kept well before the view of Government and the Parliament, that our existing body has already, in mere articles and admission stamps, contributed towards the general expenses of the country (and in exoneration to that extent, of course, of the general body of tax-payers) nearly a million and a half sterling; and that in addition we continue to pay above £50,000 a-year in certificate duty, besides bearing our full share in all other respects of the ordinary taxes of the Kingdom. If any class has earned a claim to compensation for losses which Parliament may think it for the general good to inflict upon it, ours has surely pre-eminently done so.

The Secretary.

In alluding to this gentleman the Chairman said—

It will be a great satisfaction to you to know that a second year's experience of the services of your secretary enables the Committee to confirm the anticipations of his eminent qualifications for the office which were formed at our last provincial

meeting. His intelligence and vigilance, coupled with his earnest desire at all times to promote the welfare of the Association and guard the rights and interests of the profession, entitle him to the highest commendation, and make it a subject of congratulation to the Association that they have been so fortunate as to secure the services of so efficient an officer. In the financial department of your affairs the secretary has proved himself most valuable, for he has managed to reduce and keep the annual expenditure to a point below the amount of the annual income; so that there has been no necessity during the last year to call again in aid of our expenses any portion of our small remaining funded capital; and if the subscriptions keep up to only their present extent, the continuance of the existence of the Association is assured, though it would much increase its efficiency and means of usefulness if a great number of subscriptions could be procured, as considerations of expense frequently deter the Committee from undertaking that vigorous though more expensive course of action which it often appears to them would prove most conducive to the ends and objects of the Association. The great expense of printing and postages often deters the Committee from communicating with and endeavouring to rouse into action the members of the association and the profession generally, when danger to their interests happens to threaten; and occasionally mischievous measures of a minor character are allowed to pass, and have to be submitted to, because the Association cannot afford to print and circulate statements of the facts relating to them, and explain the necessity of opposition, to the professional body at large.

The learned gentleman concluded his long and able address with the following observations:—

I trust you will agree with me in thinking that the Association has effected some good and averted much mischief during the last year, and that the experience of the past, as well as apprehensions of the future, strongly call for and warrant our further and best exertions in uniting not only to keep the Association on foot, but in endeavouring to raise it to, and maintain it in, a still higher state of efficiency. To effect this, further funds are, above all things, requisite. These are to be obtained by an increase in the number of our members, and consequent augmentation of the aggregate amount of our annual subscriptions; and I would impress upon all of you present that one of the most effectual methods of promoting the usefulness of the Association that you can adopt is, each one of you to canvass in your respective localities for fresh members. The Committee, in order to act effectively, ought at all times upon measures of importance to possess the means of communicating to and with all the members of the Association at least, if not of the profession generally, and endeavouring to obtain their co-operation, through their members in the Legislature and otherwise, in the course which it may seem expedient for the interests of our profession to adopt; and I believe it would prove greatly for the benefit of every individual solicitor in the kingdom if this Association were raised to a state of greater efficiency. Let it be the object and effort, therefore, of each and all of you who are also of that belief, to do your utmost to assist in increasing the usefulness and practical influence of the Association in the way I have suggested, and to lose no opportunity of obtaining for it all the additional support which you believe it to merit and require.

Solicitors' Benevolent Association.

The half-yearly provincial general meeting of this institution was held in the lecture room of the Worcestershire Natural History Society, Worcester, on Wednesday last, the 9th inst., in the presence of a numerous body of solicitors from all parts of the kingdom.

Mr. J. Anderton, of London, Chairman of the Board of Directors, was called to the chair.

The Secretary (Mr. Eiffe) read the following report of the directors:—

"The directors have to state that the institution continues to increase its numbers, 85 members having joined since the general meeting in April last. The aggregate number of solicitors now enrolled in the Society is 1,090, of whom 408 are life members, and 682 are members from year to year, by annual subscription; amongst the former being eight gentlemen who, in addition to their payment as life members, subscribe annually. The entire receipts during the half-year have amounted to £755 11*s.* 4*d.*, out of which the directors have invested the sum of £500. The funded capital of the Society, standing in the names of the trustees, now amounts to £5,159 9*s.* 11*d.* Three per Cent. Consols, the annual dividend arising from which, being the only fund at present applicable to the purposes of relief, and necessarily limited to the claims of distressed members and their families, is £154 16*s.* In pursuance of the resolution of the last general meeting, the directors have made the necessary preliminary arrangements with respect to applications for aid from distressed members and their families, and have already awarded temporary relief in one case which seemed to be of an urgent character. The directors take this opportunity of renewing their earnest appeal to those members of the profession who, as yet, have borne no part in the promotion of the institution, to contribute their share of pecuniary assistance to its funds, in order that its benevolent objects may be carried out to their fullest extent."

A discussion took place on the subject of the investments of the society. It was said that it would be much better to obtain a higher rate of interest than that of the Three per Cent. Consols, and that this could be done by investing the funds on mortgage security, or in other ways yielding a higher rate of interest.

The Chairman said the directors had power to carry out this suggestion, and he had no doubt that at the next meeting of the Committee in London, the matter would receive their consideration. He impressed the claims of the society on the meeting, and called upon the gentlemen present to use their influence to obtain additional subscribers. The medical profession and the clerical body had institutions for the relief of indigent members, or their wives and families, and so had most bodies throughout the country. As the members of the legal body were likewise exposed to vicissitudes of fortune, it was their duty to provide for the support of any of their body who might not be so successful as the generality of the profession. He concluded by moving the adoption of the report.

Mr. Hope Shaw, of Leeds, seconded the resolution, which was put and carried.

Mr. E. Ball, of Pershore, moved the following resolution, which was seconded by Mr. Eden, of Liverpool, and carried: "That this meeting very earnestly commends the society to the support of every member of the profession."

Mr. Gill, of Liverpool, moved the next resolution: "That the present board of directors, with the exception of Mr. Bromehead, of Lincoln, who retires, be elected for the ensuing year."

Mr. Pidcock, of Worcester, seconded the resolution. He urged upon the directors to commence distributing the funds of the society, as he thought this would be one means of increasing the interest in the society. The resolution was carried.

Mr. Rawlins, of Birmingham, moved "That the name of Mr. Slater, of Princess-street, Manchester, be added to the Board of Directors, in the place of Mr. Bromehead."

Mr. Stallard, of Worcester, seconded the resolution, which was also carried.

The re-appointment of the auditors, Messrs. Stephen Williams and Henry Kimber, was carried on the motion of Mr. C. A. Smith, of Greenwich, seconded by Mr. Radcliffe, of Liverpool.

A vote of thanks to the directors and auditors was moved by Mr. Hodgson, of York, seconded by Mr. Ryland (Mayor of Birmingham).

Mr. W. Shaen, of London, acknowledged the compliment paid to the directors.

Mr. Banner, of Liverpool, moved the thanks of the meeting to the President and Council of the Worcester Natural History Society for allowing the meeting of the Association in that room.

Mr. Torr (of London) seconded the resolution, which was carried.

Mr. Case (of Maidstone) moved a vote of thanks to the Chairman for his kindness in presiding.

Mr. Bunting (of Manchester) seconded the resolution.

In acknowledging the compliment, the Chairman alluded to suggestions which had been made by the meeting as to canvassing the large towns for new subscribers. He said he should himself be happy to do something in that way himself, and it was agreed that he should visit the gentlemen of Worcester not subscribing, after the meeting, and he also volunteered to do the same in Oxford on Saturday.

THE TEMPLE CHURCH.

On Sunday morning last this magnificent church, which has been closed since the commencement of the long vacation, was re-opened for Divine service. There was a full congregation.

We extract the following article upon this interesting structure from a recent number of the *Building News* :—

Charles Lamb considered the Temple the "pleasantest spot in all London." With a purified, or rather unpolluted, river, it might still deserve the proud distinction. A crowd of pleasant memories press upon us immediately we pass through the low portals which divide it from Fleet-street. One bids us linger over the spot where Johnson lived, another on which old Goldie somewhile rested. The banqueting hall recalls the memory of Shakespeare's play rehearsed there; the church reminds of the "poor Christian warriors" who owned nine thousand manors, who carved their names with their trusty swords in England's early history, and who, when poor, combined the best specimens of piety and valor. Yet

"All is great and all is strange,
In this boundless world of unending change."

The home which Heraclius founded for the warrior knights, on the north bank of the Thames, has been converted into a legal rookery. The cause thereof is well known. The modern Templars have, however, shown a praiseworthy zeal in the conservation of the most valued relic of their predecessors. The church, which proclaims, by its half fortress appearance, the character of its founders—men who had to sleep in "complete mail," with their swords by their sides—has always been well maintained. Even when the wainscot screens, the Corinthian pilasters and whitewash were applied to it, the work was done to improve its condition, and no one knew better in those days. Twenty years ago they restored it in the best way then possible, and spared no funds to render the church worthy of its high renown.

On the north side the Norman porch, and a portion of the round church, was connected with a row of houses, which formed the eastern side of Inner Temple-lane. These buildings could not then be removed. Within the last few weeks the whole have, however, been demolished, to make room for new chambers. Goldsmith's house (No. 5) has soon followed that of Doctor Johnson. Fancy and agreeable associations lose something by the change, but it is compensated for by the enlarged view of the noble round church. The old brick houses, whatever their associations, were all virtually condemned when once a portion of them were pulled down to be re-erected on a more commodious plan. The better built and better arranged chambers were so eagerly sought after, that others were certain to be provided. The nine houses opposite Dr. Johnson's buildings have consequently been taken down; a new range of chambers has been built at right angles with those they have displaced, and facing the north walls of the Temple Church, and a large open terrace has been retained between them, opening a good north-west view of the church. The last of these nine houses projected over and completely hid the old porch of the church. The demolition has thus revealed the side wall and laid bare the vaulting. Two lovely capitals, one on either side the archway, still remain in good preservation, and the coping stones, marking the line of the gable, is visible on one side. A wheel window of rare beauty has also been exposed to view over the porch. It is curious, and it ought to be profitable, to remark that the stone sculptured seven hundred years ago—the Godstone fire-stone—is in splendid condition, with scarcely any traces of decay, whilst the Caen stone used twenty years ago in the restoration has in places gone literally to powder. Several coffins have been found in taking out the walls of the cellars of the demolished houses. A temporary roof has been thrown over the old porch, and this, with the unquestionably-old half-ruinous walls beside and beneath it, and the half-demolished adjoining houses make a remarkably picturesque composition. It is doubly interesting also from the fact that no restoration has veiled the whole work, and we can see what the old masons actually did instead of copies of what they executed. A good deal must be done to prevent further ruin, but we trust the Templars—who apparently have not decided yet what to do—will not obliterate every trace of the old stones, either by cement as formerly or by new building stones, in their zeal for having it "well done" (which means overdone). The man who had first a new handle and then a new blade put to an old knife, and then insisted on its antiquity, finds plenty of church restorers of the same way of thinking. A trifling damage to a moulding, string-course, or piece of carving, is of no account. By removing it and substituting new, a page is torn from the church's history. It should be borne constantly in mind that in restoring a church such works only should be executed as will keep the building from falling into ruin, or as consist in clearing it of inconsistent additions which hide its original beauties. We are even heretical enough to think that many of the old parish churches have been denuded of much picturesque beauty by the wholesale clearance which the modern restorers have made. What, then, we would urge on the modern Templars is to *preserve* the church as much as possible, and to disregard the wishes of those who would have it "restored" to such an extent that we might imagine the old knights still occupying it. We would not have one of those scars, which tell of its battles through seven centuries, effaced. What work is needed to ensure future stability should be done in the same kind of stone as the church is built with, and above all things the whole should not be flayed to one monotonous tone, obliterating the delicate and varied tints which form half the charm of many buildings.

A calendar of the wills and administrations of the year 1858 (at least, from the 10th of January) was published some short time since, and the Registrar-General has made some interesting calculations founded upon it, making an estimate for the omitted ten days, so as to complete the year. 210,972 adults died in the twelvemonth, and 30,823 persons left personal property behind them; 21,653 had made their wills; the other 9,170 had made none, and letters of administration had to be taken out. 89 persons with more than £10,000 (one worth above £100,000) died without making a will. The aggregate amount of property left by all these persons is estimated at £71,860,792, averaging £2,331 each. Distinguishing between the men and the women, we find that 102,049 adult men died in the year, and 21,454 left left personal property—for one who left any four leaving none; 108,923 adult woman died, and 9,369 left personal property. The average amount left by the men was £2,751; by the women, £1,371. Omitting now any estimate for the first ten days of the year, and dealing only with the actual wills and administrations of the rest of the twelvemonth, the personal property of those who died leaving any, 29,979 in number, amounted to £69,893,380, of which £57,396,350 was left by the men, and £12,497,030 by women. The stream of wealth flowed thus:—

Persons.	Dying Worth.	Left.
22,513 ..	Less than £1,000	£5,762,830
6,277 ..	£1,000, but less than £10,000 ..	20,010,500
1,020 ..	£10,000, but less than £50,000 ..	21,960,000
102 ..	£50,000, but less than £100,000 ..	7,160,000
67 ..	Above £100,000	15,060,000
29,979		£69,893,330

Only one property was sworn so high as £900,000 and under £1,000,000; 1,935 were under £20. The property divides nearly equally at £20,000. About £35,000,000 belonged to 29,392 persons, none having more than £20,000, and the other £35,000,000 belonged to 587 persons, fifty times fewer than the former company. Of those who left above £100,000, 37 were described as esquires, a term which would include men who had made their fortunes by trade or commerce; ten were titled personages, five were bankers, four merchants, three clergymen, one cotton manufacturer, one corn merchant, one hotel keeper, one was in the navy, one in the Indian army, one in the Indian Civil Service, one was a spinster. Three medical men left more than £50,000. A person described when he made his will as a commercial clerk left above £30,000; 17 "labourers and mechanics" above £1,000. Of 75 lawyers 15 died without making their wills. The foregoing statements, which must be taken as approximations rather than an absolute accuracy, relate to England alone. In the year ending March 31, 1859, legacy duty was paid in the United Kingdom on £65,441,611, but that does not include property passing from husband to wife or the converse, no legacy duty being then payable; succession duty on real property was paid upon £29,242,630, and estimating that to be taxed to the next successor at half its saleable value, it will amount to £58,485,260. On this assumption £123,926,871 passed by death to another generation of successors. It is certainly a remarkable fact, that (upon an average) on every death, including alike men, women, and children, more than £100 of property paying legacy duty, and perhaps £187 of property of every kind, is left for the benefit of the successors in the united kingdom.

Births, Marriages, and Deaths.

BIRTHS.

JACKSON—On Oct. 4, the wife of Joseph Jackson, Esq., of Gray's-inn, of a son.

MACPHERSON—On Oct. 10, at 48, Inverness-terrace, the wife of William Macpherson, Esq., Barrister-at-Law, of a daughter.

POTTER—On Oct. 4, the wife of H. Cipriani Potter, Esq., of 42, Torrington-square, of a son.

MARRIAGES.

BELL—SMITH—On Oct. 5, Harry Bell, Esq., of Bedford-row, to Charlotte Maria Wilhelmina, daughter of Samuel Smith, Esq., of Calcutta and Westbourne-terrace-road, London.

DAW—MERRIFIELD—On Oct. 3, the Rev. C. H. T. Wyer Daw, rector of Otterham, Cornwall, to Emily Katherine, daughter of John Merrifield, Esq., of Brighton, Barrister-at-Law.

HOWLETT—LEWIS—On Oct. 2, James Warnes Howlett, Solicitor, Brighton, to Marianne Elizabeth, daughter of Charles Carne Lewis, Esq., of Brentwood.

MOSES—SIMON—On Oct. 2, Samuel Henry, son of Henry Moses, Esq., of No. 2, Park-square west, Regent's-park, to Zillah, daughter of John Simon, Esq., of the Middle Temple, Barrister-at-Law.

WRIGHT—SUTTON—On Oct. 8, John Lawrance Wright, Esq., of South-square, Gray's-inn, to Elizabeth, daughter of the late William Sutton, Esq., of Mepal, Isle of Ely.

DEATHS.

BROWN—On Oct. 3, Sophia, the wife of William Brown, of Gray's-inn, Esq., Barrister-at-Law.

HART—On Oct. 5, the Rev. W. H. Hart, M.A., Demy of Magdalen College, Oxford, and Chaplain to the Hon. Society of Gray's-inn, aged 30.

MORRIS—On Oct. 4, John, son of John Morris, Esq., of the Old Jewry, aged 6 years and 3 months.

MURRAY—On Oct. 2, at Strachur-park, Argyleshire, Lady Murray, relic of Lord Murray, one of the senators of the College of Justice.

ROWE—On Oct. 2, at No. 6, Addison-terrace, Notting-hill, Mary, daughter of the late William Henry Rowe, Esq., Barrister-at-Law.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Party claiming the same, unless other Claimants appear within Three Months:—

CHARLEVILLE, CATHERINE MARIA, Dowager-Countess of, Widow, Cavendish-square, £5,708 : 4 : 6, 3¼ per Cent.—Claimed by CATHERINE LOUISA AUGUSTA MARLAY, Widow, the surviving executrix.

EYRE, PRUDENCE BARBARA, wife of Daniel Eyre, Esq., late of Salisbury, £1,800 Consols.—Claimed by REV. DANIEL JAMES EYRE, the administrator.

WIGLESWORTH, THOMAS, Gent., Gray's-inn, and REV. JOHN HEADLAM, Wycliffe, Yorkshire, £691 : 10 : 3 Consols.—Claimed by MORLEY HEADLAM, acting executor of the said Rev. John Headlam, who was the survivor.

London Gazettes.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Oct. 8, 1861.

ADAMS, JOHN, Alpha Villa, Russell-terrace, Leamington Priors, Warwickshire, Esq. Nov. 16. Sols. Haynes & Moore, Jury-street, Warwick.

DAVIS, THOMAS HENRY, 7, Hart-street, Duke-street, Grosvenor-square, Middlesex, Coach Lamp Manufacturer. Nov. 10. Sol. W. R. Buchanan, 13, Basinghall-street, London.

DRAYTON, JOSEPH WRIGHT, 78, Cambridge-terrace, Hyde-park, Middlesex, Esq. Nov. 20. Sols. Beckett, Son, & Barton, 60, Lincoln's-inn-fields.

HOW, ELIZABETH, Anchor-inn, Liphook, Bramshott, Hants, Widow. Nov. 10. Sol. R. E. Mellersh, Godalming, Surrey.

PALMER, ANN, formerly of Jacob's Well Tavern, Jacob's-passage, Barbican, London, and late of Ropemaker-street, Finsbury, Middlesex, Widow. Dec. 4. Sols. Taylor & Jaquet, 15, South-street, Finsbury-square.

PICKIN, ELIZABETH, Coventry, Widow. Nov. 8. Sol. T. Browett, 23, Bayley-lane, Coventry.

RATHBONE, WILLIAM, Newfield-upon-Avon, Warwickshire, Builder and Grocer. Oct. 29. Sols. Wratislaw & Fuller, Rugby.

SCOTT, ELIZABETH, formerly of Norwich, and late of 47, Lansdown-crescent, Cheltenham. Nov. 1. Sols. Winterbotham, Bell, & Co., Cheltenham.

SKELLEY, RICHARD, Nottingham, Butcher. Oct. 30. Sol. J. T. Brewster, Nottingham.

TATE, LOUISA PINFOLD, 77, Wimpole-street, Cavendish-square, Middlesex, Spinster. Nov. 20. Sols. Bockett, Son, & Barton, 60, Lincoln's-inn-fields, London.

WALLACE, HILL, Camden Lodge, Cheltenham. Dec. 1. Sols. Winterbotham, Bell, & Co., Cheltenham.

WILLIAMS, THOMAS, Devonport, Victualler. Dec. 5. Sol. E. O. Gard, 20, St. Aubyn-street, Devonport.

FRIDAY, Oct. 11, 1861.

BROWN, Rev. HUMPHREY, Kirkheaton, Northumberland, Clerk. Nov. 18. Sol. R. R. Dees, Pilgrim-street, Newcastle-on-Tyne.

BUSHNELL, Mrs. CATHERINE, Westbourne-park, Paddington, Middlesex, Widow, sometimes called Madame Catherine Hayes Bushnell. Dec. 1. Sols. Baker, Baker, & Folder, 52, Lincoln's-inn-fields.

CLARKE, JOHN CHORLEY, formerly of the City of Rome Public-house, Roman-road, Barnsbury, Middlesex, Licensed Victualler. Nov. 10. Sol. E. M. Dimmock, 2, Suffolk-lane, London.

CLIFFORD, RICHARD, 11, Park-street, Kennington-cross, Surrey, Laundryman. Nov. 23. Sol. J. Kempster, 1, Portsmouth-place, Lower Kennington-lane, Lambeth.

COLQUHOUN, WILLIAM JAMES HILLERSDON, Elstow, Bedfordshire, Esq. Nov. 30. Sols. Paine & Layton, Gresham-house, London, E.C.

CULPECK, JOHN, Britannia Tavern, City-road, Middlesex, Licensed Victualler. Nov. 11. Sols. Morris, Stone, Townson, & Morris, Moorgate-street Chambers, Moorgate-street, London.

PIGGS, WILLIAM, Broad-street, Birmingham, Blacksmith and Wheelwright. Nov. 3. Sol. W. Cottrell, 22, Bennett's-hill, Birmingham.

PLEWS, JOHN, 14, Grosvenor-place, Camberwell New-road, Kennington, Surrey, Gent. Nov. 30. Sol. R. Plews, 29, Mark-lane.

TURNER, HENRY, 2, Northumberland-street, Strand, and Stamford-hill, Middlesex, and formerly of Chigwell, Essex, Army Clothier. Nov. 11. Sols. Morris, Stone, Townson, & Morris, Moorgate-street Chambers, Moorgate-street, London.

WRIGHT, JOHN, formerly of Orchard-street, Sheffield, Scissors Grinder, and late of Handsworth, Woodhouse, York, Gent. Nov. 21. Sol. J. Dixon, 8, Norfolk-row, Sheffield.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Oct. 8, 1861.

COX, HENRY, Greville Cottage, Kentish-town, Middlesex, Gent. Cox v. Healey, V. C. Stuart. Nov. 7.

CRICKMORE, JOHN, Weybread, Suffolk, Farmer. Crickmore v. Crickmore, V. C. Wood. Oct. 30.

MARKS, WILLIAM HENRY, Bath. Austin v. Cautle, V. C. Stuart. Nov. 14.

FRIDAY, Oct. 11, 1861.

SLATER, WILLIAM, Bentley Farm, Mavesyn Ridware, Staffordshire, Farmer. Slater v. Slater, M. R. Nov. 2.

Assignments for Benefit of Creditors.

TUESDAY, Oct. 8, 1861.

BOTTOM, DAVID, Paddock, Huddersfield, Grocer and Shopkeeper. Sept. 12. Sol. T. Robinson, Huddersfield.

BROWN, JOHN, Marsden-street, Manchester, Dealer in China Clay. Sept. 20. Sol. R. W. Stead, Bank-chambers, Essex-street, Manchester.

FLETCHER, ROBERT, Whitehaven, Cumberland, Mercer and Draper. Sept. 25. Sols. Brockbank & Helder, Whitehaven.

HOLDSWORTH, JOHN, Cleckheaton, Yorkshire, Woollen Cloth Manufacturer. Sept. 2. Sol. W. Lancaster, Bradford.

RODHAM, JOHN, Guisbrough, North Riding, Yorkshire, Draper and Grocer. Sept. 27. Sols. Newby, Richmond, and Watson, Stockton-on-Tees.

FRIDAY, Oct. 11, 1861.

BUNTING, WILLIAM, King-street, Covent-garden, Middlesex. Oct. 1. Sol. A. Jones, 15, Size-lane, London.

BUTCHER, JOHN, Dalton, Barrow, Lancashire, Grocer. Sept. 23. Sol. J. Park, Cavendish-street, Ulverstone.

COWLISHAW, JOSEPH, Stratford-upon-Avon, Warwickshire, Corn and Coal Merchant. Oct. 4. Sols. Hobbes & Slatter, Stratford-upon-Avon.

GATE, JAMES, 129, Strand, Middlesex, Hosier. Sept. 26. Sols. Davison, Bradbury, & Hardwick, Weavers' Hall, 22, Basinghall-street.

LANSDOWN, ISAAC, sen., ISAAC LANSDOWN, jun., and WILLIAM CARTER LANSDOWN, Wootton Bassett, Wilts, Carpenters and Builders. Oct. 2. Sol. T. H. Smith, 1, Frederick's-place, Old Jewry.

MESSER, JOHN, Liverpool, Draper. Sept. 14. Sols. Evans, Son, & Sandys, Commerce-court, Liverpool.

MORLAND, ISAAC, Arthur-street, Penrith, Cumberland, Joiner and Builder. Oct. 1. Sols. Cant & Fairer, Penrith.

ROSS, JOHN CROAD, & JOHN HENRY COURSENS, Torquay, Devonshire, Ironmongers. Oct. 4. Sol. W. Smith, Dartmouth.

WILLIAMS, FREDERICK, 1, Royal Oak-terrace, Bayswater, Paddington, Middlesex, Hosier and Glover. Oct. 9. Sol. T. H. Smith, 1, Frederick's-place, Old Jewry.

Bankrupts.

TUESDAY, Oct. 8, 1861.

CASE, RICHARD, 60, Bethnal Green-road, Middlesex, Builder. Pet. Oct. 7. Com. Goulburn: Oct. 21 at 1, and Nov. 20 at 1.30; Basinghall-street. Off. Ass. Pennell. Sol. J. F. Holmes, 8, Southampton-street, Bloomsbury, London.

CLOUGH, WILLIAM, 164, Cleveland-street, Birkenhead, Cheshire, Tailor and Draper. Pet. Oct. 5. Com. Perry: Oct. 21 and Nov. 8 at 11; Liverpool. Off. Ass. Turner. Sol. A. S. Samuel, Liverpool.

COKER, HENRY, Tunbridge Wells, Kent, Tailor and Clothier. Pet. Oct. 4. Com. Goulburn: Oct. 19 and Nov. 20 at 1; Basinghall-street. Off. Ass. Pennell. Sols. J. & J. H. Linklater & Hackwood, 7, Walbrook, London.

ELLISDON, WILLIAM, Bradford, Yorkshire, Stuff Merchant. Pet. Oct. 5. Com. West: Oct. 25 and Nov. 14 at 11; Leeds. Off. Ass. Young. Sols. T. A. Watson, Bradford, or Bond & Barwick, Leeds.

HOWARD, THOMAS, Ormskirk, Lancashire, Earthenware Dealer. Pet. Oct. 2. Com. Perry: Oct. 21 and Nov. 11 at 11; Liverpool. Off. Ass. Morgan. Sols. Forshaw & Goodman, Sweeting-street, Liverpool.

HULBERT, WILLIAM OLIVE, 39, Eastgate-street, Gloucester, Tailor and Draper. Pet. Oct. 4. Com. Hill: Oct. 21 at 12, and Nov. 18 at 11; Bristol. Off. Ass. Acraman. Sols. Lovegrove & Son, Gloucester.

JONES, HENRY WILLIAM, Wrexham, Denbighshire, Draper. Pet. Oct. 4. Com. Perry: Oct. 21 and Nov. 6, at 12; Liverpool. Off. Ass. Bird. Sols. Evans, Son, & Sandys, Liverpool, and J. Buckton, Wrexham.

MARRIOTT, WILLIAM EDWARD NEEVE, Swaffham, Norfolk, Tailor. Pet. Oct. 8. Com. Goulburn: Oct. 23 at 11, and Nov. 22 at 12; Basinghall-street. Off. Ass. Pennell. Sol. J. V. P. Plimsaul, 7, South-square, Gray's-inn, London.

NELSON, EDWARD, Birmingham, Coal Dealer. Pet. Oct. 4. Com. Sanders: Oct. 18 and Nov. 7 at 11; Birmingham. Off. Ass. Whitmore. Sols. Sonthall & Nelson, Birmingham.

PAICE, JOSIAH HENRY, 137, Fenchurch-street, London, Hosier and Shirt Maker. Pet. Oct. 5. Com. Evans: Oct. 17 and Nov. 15 at 2; Basinghall-street. Off. Ass. Johnson. Sol. Pook, Basinghall-street.

TAYLOR, JOSEPH, Hanging Ditch, Manchester, Grocer and Tea Dealer. Pet. Sept. 28. Com. Jemmett: Oct. 18 and Nov. 21 at 12; Manchester. Off. Ass. Pott. Sol. J. Richardson, Manchester.

TOKE, WILLIAM EPWORTH, 2, St. Dunstan's-hill, London, Wine Broker. Pet. Oct. 5. Com. Fane: Oct. 19 at 11.30, and Nov. 15 at 12; Basinghall-street. Off. Ass. Whitmore. Sols. Crosley & Burn, 34, Lombard-street.

WEBBER, BERNARD JAMES, Newton Abbott, Devonshire, Smith and Engineer. Pet. Oct. 4. Com. Andrews: Oct. 22 and Nov. 27 at 12; Exeter. Off. Ass. Hirtzell. Sol. M. Fryer, St. Thomas, Exeter.

FRIDAY, Oct. 11, 1861.

BOND, WILLIAM, Bread-street and Tower-hill, Bristol, Victualler, Engineer, and Iron Founder. Pet. Sept. 30. Com. Hill: Oct. 22 and Nov. 25 at 11; Bristol. Off. Ass. Miller. Sols. Clifton & Benson, Bristol.

CHILD, WILLIAM HENRY, 7, Borough-street, Brighton, Builder. Pet. Oct. 10. Com. Fane: Oct. 24 at 11.30, and Nov. 22 at 12; Basinghall-street. Off. Ass. Cannan. Sol. F. W. Snell, 1, George-street, Mansion House.

CULVERHOUSE, WILLIAM HENRY, 126, Bunhill-row, Finsbury, Middlesex, Manufacturing Joiner. Pet. Oct. 11. Com. Goulburn: Oct. 23 at 1, and Nov. 27 at 12; Basinghall-street. Off. Ass. Pennell. Sols. Lawrance, Plews, & Boyer, 14, Old Jewry-chambers, Old Jewry, London.

DAVIS, ISAAC NOAH, Brentford Distillery, Brentford, Middlesex, Distillers. Pet. Oct. 7. Com. Evans: Oct. 17 and Nov. 15, at 1; Basinghall-street. Off. Ass. Bell. Sol. Nicholson, 48, Lime-street, City.

JUDD, FRANK, 11, Charing-cross, Middlesex, Tobacconist. Pet. Oct. 1. Com. Fane: Oct. 24 and Nov. 22 at 11; Basinghall-street. Off. Ass. Whitmore. Sol. M. Abraham, 17, Gresham-street.

MERCER, WILLIAM, Rossett, Denbighshire, Brewer and Maltster. Pet. Oct. 10. Com. Perry: Oct. 23 and Nov. 11 at 11; Liverpool. Off. Ass. Bird. Sols. Evans, Son, & Sandys, Liverpool, or John Jones, Wrexham.

RAUCH, GUSTAVUS FREDERICK, Huggin-lane, Wood-street, London, Warehouseman. Pet. Sept. 26. Com. Goulburn: Oct. 23 at 12.30, and Nov. 22 at 11.30; Basinghall-street. Off. Ass. Pennell. Sol. M. Abraham, 17, Gresham-square, London.

WADE, ROBERT, 11, Devonshire-terrace, Notting-hill, Middlesex, Grocer and Tea Dealer. Pet. Oct. 7. Com. Goulburn: Oct. 23 at 12, and Nov. 22 at 1; Basinghall-street. Off. Ass. Pennell. Sols. Mathews, Carter, & Bell, 102, Leadenhall-street, London.

BANKRUPTCY ANNULLED.

TUESDAY, Oct. 8, 1861.

RONALD, WILLIAM, Manchester, Warehouseman. Sept. 30.

FRIDAY, Oct. 11, 1861.

CARSON, EDWARD WILLIAM, 3, London-road, Croydon, Surrey, Auctioneer. Oct. 5.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Oct. 8, 1861.

JOSEPH RUSSELL, Larkhall-lane, Clapham, Surrey, Job and Fly Master. Oct. 31 at 11; Basinghall-street.—THOMAS LEWIS INGRAM, formerly of Bathurst, River Gambia, Western Africa, afterwards of 6, Moreton-place, Pimlico, and subsequently of 54, Lupus-street, Pimlico, Middlesex, Merchant. Nov. 7 at 1; Basinghall-street.—THOMAS DEAN, formerly of Staples-inn, Holborn, Middlesex, afterwards of St. Swithin's-lane, London, and now of Barnes, Surrey, and 7, King's Bench-walk, Temple, London, Scrivener. Oct. 30 at 12.30; Basinghall-street.—JOSHUA LE MARE & WILLIAM CLOSE CURRIE, 9, Broad-street-buildings, London, Merchants and Commission Agents (J. Le Mare & Co.). Oct. 30 at 12; Basinghall-street. Separate estate of each.—CHARLES JACOB, Ingram-court, Fenchurch-street, London, Merchant, Oct. 30 at 12.30; Basinghall-street.

FRIDAY, Oct. 11, 1861.

HENRY HOUGHTON, 48, Friday-street, and also of 14, Watling-street, London, Merchant. Nov. 1 at 12.30; Basinghall-street.—RICHARD JUAY BAYFIELD & JOSEPH VERNON NEEDHAM, Birmingham, Gun Manufacturers. Nov. 4 at 11; Birmingham.

BRITISH MUTUAL INVESTMENT, LOAN and DISCOUNT COMPANY (Limited),

17, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C.

Capital, £200,000, in 20,000 shares of £10 each. £3 per share paid.

CHAIRMAN.

METCALF HOPGOOD, Esq., Bishopsgate-street.

SOLICITORS.

Messrs. PATTESON & COBBOLD, 3, Bedford-row.

MANAGER.

CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

INVESTMENTS.—The present rate of interest on money deposited with the Company for fixed periods, or subject to an agreed notice of withdrawal, is 5 per cent.

LOANS.—Advances are made, in sums from £50 to £1,000, upon approved personal and other security, repayable by easy instalments, extending over any period not exceeding 10 years.

Applications for the new issue of Shares may be made to the Secretary, of whom Prospectuses, the last Annual Report, and every information can be obtained. JOSEPH R. JACKSON, Secretary.

To Landowners, the Clergy, Solicitors, Estate Agents, Surveyors, &c.

THE LANDS IMPROVEMENT COMPANY is incorporated by special Act of Parliament for England, Wales, and Scotland. Under the Company's Acts, tenants for life, trustees, mortgagees in possession, incumbents of livings, bodies corporate, certain lessees and other landowners, are empowered to charge the inheritance with the cost of improvements, whether the money be borrowed from the Company or advanced by the landowner out of his own funds.

The Company advance money, unlimited in amount, for works of improvement, the loans and incidental expenses being liquidated by a rentcharge for a specified term of years.

No investigation of title is required, and the Company, being of a strictly commercial character, do not interfere with the plans and execution of the works, which are controlled only by the Enclosure Commissioners.

The improvements authorised comprise drainage, irrigation, warping embanking, enclosing, clearing, reclaiming, planting, erecting, and improving farm-houses, and buildings for farm purposes, farm roads, jetties steam-engines, water-wheels, tanks, pipes, &c.

Owners in fee may effect improvements on their estates without incurring the expense and personal responsibilities incident to mortgages, and without regard to the amount of existing incumbrances. Proprietors may apply jointly for the execution of improvements mutually beneficial, such as a common outfall, roads through the district, water-power, &c.

For further information, and for forms of application, apply to the Hon. WILLIAM NAPIER, Managing Director, 2, Old Palace-yard, Westminster.

EQUITABLE REVERSIONARY INTEREST SOCIETY, 10, Lancaster-place, Strand.—Persons desirous of disposing of Reversionary Property, Life Interests, and Life Policies of Assurance, may do so at this Office to any extent, and for the full value, without the delay, expense, and uncertainty of an Auction.

Forms of Proposal may be obtained at the Office, and of Mr. Hardy, the Actuary of the Society, London Assurance Corporation, 7, Royal Exchange.

JOHN CLAYTON, F. S. CLAYTON, } Joint Secretaries.

AN INDISPUTABLE LIFE POLICY IS ALTOGETHER DIFFERENT FROM AN ORDINARY LIFE POLICY.

It is different in meaning, construction, and effect, being really a LIFE-DEBENTURE, as shown by the Opinions of the Attorney-General, and the Lord Advocate of Scotland, copies of which, and Prospectuses, forwarded to applicants.

INDISPUTABLE LIFE ASSURANCE COMPANY OF SCOTLAND.

EDINBURGH—13, QUEEN STREET.
ALEX. ROBERTSON, Esq., Manager.

LONDON—54, CHANCERY LANE.
JAS. BENNETT, F.S.S., Resident Secretary.

AGENTS WANTED in Places where the Company is not already represented.

Will be ready on the 14th instant,

THE NEWSPAPER PRESS,
(Extracts from,)

AND OPINIONS OF ENGLISH, SCOTTISH, and IRISH COUNSEL, on the expediency of making Life Insurance Policies Indisputable Documents, when required in connection with Money Transactions, or as Family Provisions; being Appendix to Third Edition of Letter, "The Manager of the Indisputable Life Assurance Company of Scotland, to the Manager of the Standard Life Assurance Company."

Letter and Appendix forwarded on receipt of six postage stamps.
Edinburgh: T. & T. CLARK, George-street.

LIFE POLICIES as SECURITIES.—The policies granted by the LIFE ASSOCIATION of SCOTLAND (founded 1838), under their new scheme (Class B.) of unconditional assurance on life, are wholly free from the restrictions attaching to policies on the ordinary system of other offices, and are specially adapted for securities in connexion with debts, family provisions, leases on lives, and the purchase of reversions. No restriction is imposed as to occupation or residence, and no extra premium can ever be payable.

A medical officer in attendance daily, at half-past 12 o'clock.

ON 5TH DECEMBER

The Scheme will be closed for the current year. Entrants to the Profit Class will be entitled to a FULL YEAR'S BONUS *more than later Entrants.*

THOS. FRASER, Resident Secretary.

No. 20, King William-street, E.C.

LONDON INVESTMENT COMPANY.—Forty £10 Shares for Sale, £3 paid. May be had a bargain. Interest at the rate of 10 per cent. received the last three years.

Apply by letter, N. & B., 30, Carey-street, Lincoln's-inn.

AGENTS' REGISTER: Being a complete Alphabetical Index of the Principal Towns of the United Kingdom, with space for inserting the Names of Agents, &c., for the use of Insurance and other offices. Large Post Folio, price £2 2s.

London: YATES & ALEXANDER, Horse-shoe-court, 324, Ludgate-hill.

LAW FIRE INSURANCE SOCIETY,
Chancery-lane, London.

SUBSCRIBED CAPITAL, £5,000,000.

TRUSTEES.

The Right Hon. LORD CHELMSFORD.
The Right Hon. LORD TRURO.
The Right Hon. the LORD CHIEF BARON.
The Right Hon. the LORD JUSTICE Sir J. L. KNIGHT BRUCE.
The Right Hon. the LORD JUSTICE Sir G. J. TURNER.
The Right Hon. JOHN ROBERT MOWBRAY, M.P.
WILLIAM BROUGHAM, Esq.

Insurances expiring at Michaelmas should be renewed within 15 days thereafter, at the Offices of the Society, or with any of its agents throughout the country.

This Society holds itself responsible, under its fire policy, for any damage done by explosion of gas.

E. BLAKE BEAL, Secretary.

IN CHANCERY.—Burt and Others *v.* Burnham and Others.—LEASEHOLD ESTATES of the late John Burnham, Esq.—Messrs. DENT and SON are instructed to offer by AUCTION, at the AUCTION MART, Bartholomew-lane, on WEDNESDAY, the 6th day of NOVEMBER, 1861, with the approbation of his honour Vice-Chancellor Sir John Stuart, the following LEASEHOLD HOUSES and ESTATES, in Lots, viz.:—

No. 18, Spanu's-buildings, St. Pancras, let at £20 16s. per annum (less taxes). Held for 29 years, at £3 3s. per annum ground rent.

Nos. 16, 20, 25, 28, and 30, Church-row, St. Pancras, let at rents amounting to £137 14s. per annum. Term 30 years, at £3 3s. per house.

No. 12, Aldenham-terrace, St. Pancras, let at £35 per annum, held for 30 years, under the Brewers' Company, at £3 3s. per annum.

No. 17, High-street, Camden-town, let at £50 per annum, held for unexpired term of 28 years, under the Camden Estate, at a ground rent of £4 4s. per annum.

No. 5, Upper Grenville-street, Somers Town, let at £22 per annum, held for an unexpired term of 30 years, at a peppercorn.

An Improved Leasehold Ground Rent of £17 17s., secured upon Nos. 6, 7, and 9, Upper Grenville-street, held for an unexpired term of 29 years or thereabouts, at a peppercorn.

No. 8, Upper Grenville-street, let at £17 per annum, held for 29 years at a peppercorn.

No. 10, Upper Grenville-street, let at £13 per annum, held for 29 years at a peppercorn.

Five Messuages, 2, 3, 4, 5, and 6, Watford-street, St. Pancras, let at rents amounting to £113 per annum, held for 53 years, at £5 9s. 6d. each house.

No. 31, Perry-street, let at £22 per annum, held for 30 years, at £1 per annum.

An Improved Leasehold Ground Rent, on 20 and 21, Perry-street, of £22 10s. per annum, held for 29½ years at £5 per annum.

No. 35, Brewer-street, let on lease at £15, held for 30 years at £5 ground rent.

No. 36, Brewer-street, let at £26, held for 30 years at £5 ground rent.

No. 50, Brewer-street, let at £24, held for 30 years at £4 10s. ground rent.

Full particulars and conditions of sale to be had on the several premises, at the place of sale, at the Estate Exchange, of Messrs. FYSON, TATHAMS, CURLING, & WALLS, of No. 3, Frederick's-place, Old Jewry, and of Messrs. DENT & SON, 34, Great James-street, Bedford-row.

ALFRED HALL, Chief Clerk.

IN CHANCERY.—Burt and Others *v.* Burnham and Others.—FREEHOLD ESTATES of the late John Burnham, Esq.—Messrs. DENT & SON are instructed to submit by AUCTION, at the AUCTION MART, Bartholomew-lane, on WEDNESDAY, the 6th day of NOVEMBER, 1861, at TWELVE o'Clock, with the approbation of his honour the Vice-Chancellor Sir John Stuart, the following FREEHOLD HOUSES:—

A Capital Brick-built Messuage and Premises, No. 58, Red Lion-street, Clerkenwell, in substantial repair, let on lease for 21 years from Michaelmas, 1856 (determinable by either party), at the annual rent of £54 14s.

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THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 19, 1861.

CURRENT TOPICS.

The new law of bankruptcy is now in full operation, and already several obvious points have arisen, chiefly relating to the transition state of the law, which do not reflect much credit on the machinery of legislation. Some of these points of especial importance seem worthy of notice.

The first question under the new Act involved the important point whether the Legislature had not inadvertently abolished the classification of the certificates which remain still to be granted under the old law, and left the certificates to be granted without any accompanying classification. Certificates were abolished in future by the simple and approved process of repealing the enactments under which they were granted, subject to the general reservation as to proceedings pending. The new system of orders of discharge were introduced by entirely new enactments. It would seem, therefore, to have been superfluous to make any further mention of certificates or their classification. But the section 157, one of the sections relating to the discharge of the bankrupt, contains the enactment that "From and after the commencement of this Act all classification of certificates shall be abolished;" and then proceeds to prescribe the modifications of form in the order of discharge analogous to the classification of certificates where the order of discharge is made subject to suspension or imprisonment. How is this unqualified abolition of the classification of certificates to be reconciled with the general reservation of the old law as applicable to pending proceedings, including, as it does, certificates, together with their classification. Is the enactment wholly inoperative and superfluous, or does it abolish the classification and leave only the certificate? This is the question which has embarrassed the commissioners. The real state of the case is plain. The whole of section 157 applies to the new order of discharge, and the abolition of classification appears to have been inserted as a mere introductory flourish, without any thought or regard for its possible consequences.

Another question of very extensive import has been left in doubt by the terms of the new Act. The 150th section enables persons entitled to rents and other payments falling due at fixed periods, to prove for an apportionment up to the day of adjudication; and the question has been raised, in the case of a claim by a landlord for rent, whether this section applies to the bankruptcies pending under the old law. The Commissioner thought it applicable, and admitted the proof; but this decision does not appear to be quite unexceptionable. The repeal of the old law, whether express or by matter inconsistent, it is provided shall not affect pending rights and proceedings. The new law on this point, it is true, is an extension rather than a repeal of the old law in respect of the admission of debts to proof, but does it not virtually repeal, and is it not inconsistent with, the old law which prohibited such proof. The language of the section, moreover, seems to be prospective; but in this, of course, lies the whole question, which, to say the least, has been left in some doubt by the framers of it. The same question, it appears, will arise with respect to all the new descriptions of debts admitted to proof by the new Act; and the judgment of the Commissioner apparently decides that they are all admissible under pending bankruptcies.

In the Insolvent Debtors Court an extraordinary number of petitions for protection were filed during the last days of its existence, with a view to secure the prosecution of them under the old law. The powers of the Court were in abeyance for some days for want of an order of the Lord Chancellor, required by sect. 23 of the new Act, to give authority to the Court to continue the pending business.

The able and interesting address of the Chairman of the Metropolitan and Provincial Law Association, published in our last week's impression, brought again to notice the grievance under which the profession throughout the country is at present suffering in consequence of the new regulations in the district registries of the Probate Court; enabling all persons applying in person to get their probate and administration business done for them by the officers of the Court at a reduced rate.

The Chairman recapitulated the exertions made on the part of the profession to obtain redress; and the various memorials presented to the authorities, all which have been recorded from time to time in this journal. He also gave an interesting account of the reception of the deputations from the profession by Sir Cresswell Cresswell, who supported the new regulations on the ground of the public benefit intended by them, and further intimated the speedy adoption of a similar arrangement in London. The Lord Chancellor and the Chief Justice appear to share the responsibility of the authorship of these regulations, while the Treasury have a voice in the matter of salaries and fees. Memorials have accordingly been presented to all these authorities, and the whole matter now remains under consideration.

All proper steps seem to have been taken by the profession in order to secure a fair attention to this question, and it is unnecessary to repeat the abundant arguments which have been brought to bear upon it. Our special object in returning to it, before it is too late, is to expose the fallacy that these regulations are conceived with a just appreciation of the real interests of the public. The scheme, indeed, bears a specious semblance of benefitting the public, which was probably deemed sufficient to satisfy the purpose it was designed to fulfil, and is certainly calculated to blind the eyes of the public to their own true interests. But we maintain that an enlightened regard for the true interests of the public in this matter is perfectly consistent and even coincident with a due and just regard to the claims preferred by the body of solicitors.

It may be remembered that in establishing the new Probate Court a strong feeling was expressed that the procedure should be so simplified as to bring it, if possible, within the capacity of the public without the intervention of professional assistance; and it was understood that the power of making rules and orders was to be exercised to the intent and purpose that the procedure and practice should be reduced to the most simple and expeditious character. The province of the practitioners, both old and new, and their relations to the Court and the public were at the same time settled, after great deliberation, by Parliament itself. The present scheme, however, goes much further than the mere regulation of procedure, and trenches widely on the province of the practitioners. It does not operate by simplifying the procedure to the level of the public; but it simply relieves the public altogether of their part of the business by doing it for them. Now, we would be the last to deny the liberty to every man of doing his own business for himself, if he wishes and thinks himself competent to do so. We admit that any restriction, other than such as arises from the inherent difficulties of the work, requiring skilled and professional assistance, would be an unnecessary obstruction, and would tend to a system of protection of the interests favoured by it. We further willingly agree that all law business should

be simplified as much as the process will admit, with a view of rendering it as plain and easy as possible to the public. Then let every person do his business for himself, or employ a solicitor, as he thinks fit. We do not dispute the principle in question, or deny the liberty of every man to do everything for himself if he is foolish enough to decline the assistance of those who can do it better. A man may make his own clothes if he is not particular about expense and appearance; or he may perform his journey on foot instead of travelling by train, if he is not particular about time. The fallacy consists in the pretence held forth to the public, that the present mode of doing business in the registries is a simplification of the business, or a performance of their own business by themselves.

It is no such thing; the same business is done for them just as completely and in the very same way that it would be done for them by a solicitor. The only difference is that the fees charged in the registries are only half in amount of those which are allowed as the fair and reasonable remuneration of a solicitor for doing the same business—that is to say, only half the real value of the services rendered. How, then, is the other half paid; for it is absurd to suppose that it is not paid for somehow. It necessarily follows that it is paid by the public in the shape of increased charges or diminished returns from the Court. It becomes a general charge on the public at large, to the relief of those individuals who require the services of the Court. Now, whatever ground there may be for the position that law costs should be a charge on the country in the case of courts of justice, properly so called, established for the settlement of the law and the peace of society, and which are for the benefit of all, there is not the least ground for such a contention in the case of a so-called Court, which is merely an administrative machine for the distribution of property. In common justice it should be remembered that the public revenue is drawn from all classes of the community for purposes common to all, while the gratuitous services thus rendered by the registry office, at the public expense, is for the exclusive benefit of those who have private property to administer. The arrangement, therefore, is unjust to the public, and violates the first principles of social jurisprudence. Like every violation of principle, it is unjust and unequal in all its practical bearings; and not the least flagrant manifestation of its injustice appears in its bearing upon the profession of solicitors, whose appropriate office it is to perform these services for the public. The gratuitous performance of them by the registry office virtually annihilates this branch of the business of the profession. It became, therefore, the especial duty of the profession to seek redress for this grievance, though the grievance is also a public one; and in fulfilment of this duty we offer the above observations to those who, we feel sure, will be influenced by public and political views of the matter while it is still under consideration.

The Lord Chancellor has caused the following answer to be returned to a memorial presented to him by the Liverpool Law Society, on the subject of the qualifications of persons to be appointed to the new offices created under the New Bankruptcy Act:—

House of Lords. Oct. 7, 1861.

Sir,—I am desired by the Lord Chancellor to acknowledge the receipt of the memorial from the Liverpool Law Society on the subject of new offices to be created under the Bankruptcy Act of 1861; and in reply to inform you that it is not the intention of his Lordship to make any new appointments under the said Act until it shall become manifest that the present staff of the officers of the Bankruptcy Court is insufficient to perform adequately the duties imposed on them by the new Act.—I have the honour to be, sir, your obedient servant,

To the President of the Liverpool Law Society. RICHARD BETHELL, Prin. Sec.

THE LIABILITIES OF RAILWAY COMPANIES AS CARRIERS—LORD CAMPBELL'S ACT.

Before resuming the consideration of this statute we may recall to mind that in our previous notice of it, as forming an important item amongst the liabilities of railway companies as carriers, we pointed out the uncertainty of its relative bearing upon the rest of the law with regard to the title and foundation of the action defined by it—that is to say, whether the action under the statute is given by vesting the right of action of the deceased in his representatives, or whether it is the creation of an entirely new cause of action. We now proceed to consider the positive provisions of the statute.

The defective procedure of the common law which restricted the right of action for wrongs to the lifetime of the party injured, and gave no remedy after his death, as expressed in the maxim, *actio personalis moritur cum personâ*, was open in most cases to the easy and obvious amendment of transferring the right of action to the representatives of the deceased for the benefit of his estate. This amendment was effected for injuries to personal property as early as the 4 Ed. 3; and, after a long interval, a similar amendment was supplied for injuries to real property by the Common Law Amendment Act, 3 & 4 Will. 4, c. 42. There is one case, however, in which, no doubt, some difficulty opposes the application of such an amendment—that is, where the death which extinguishes the right of action is the very damage complained of, for then the awkward question arises, how is a life to be dealt with as a measure of damage? and upon what principle is it to be estimated? Is the value of the life to the man himself, or to his estate, or to his relatives, to be accepted as the mode of valuation? The value to the man himself is, of course, out of the question; but there is no impossibility in forming an estimate of the value either to the estate or to the relatives. Now this is the very case which the statute operates upon and undertakes to provide for—namely, the recovery in an action of the damages caused by the death; and without adopting either of these principles of valuing, it combines all the difficulties which are comprised in both of them. The jury is called upon to assess, not the value of the life, but the pecuniary expectations of certain relatives from the life, an enquiry which necessarily involves an estimate not only of what the life was likely to produce, but also of the chances of participating in its produce. It has been held that funeral expenses cannot be claimed under the statute, so that these expenses may fall upon one person while another carries off the whole of the compensation. Nor can any damages be given as *solatium* for wounded feelings; but the damages are restricted to expectations of a pecuniary nature. These expectations, however, not being measured by any legal rights or subject to any legal rules of limitation, seem to admit of any degree of uncertainty or extravagance according to the fancy of juries—for example, a jury was allowed to give a father a large sum for the pecuniary expectations he entertained from his son's liberality, who was in the habit of giving his father occasional presents of tea and sugar, and other domestic luxuries. In another case a sum of £13,000 was exacted from a railway company in one verdict, chiefly in compensation for the expectations of children from realised property over which the deceased parent had a power of appointment, which he had not thought fit to exercise in their favour.

The Act further restricts the claim to the husband, wife, parent (including in this term grandfather and stepfather), and child (including in this term grandchild and stepchild) of the deceased; and the extraordinary result follows, that where there are no such relatives, and even where there are, but they cannot show any expectations of pecuniary advantage, no action lies, and the company escapes with impunity. A

remarkable instance of this occurred recently upon the death of Dr. Baly, the Queen's physician, by a railway accident, leaving no relatives entitled to claim. The life of an eminent physician would seem to be peculiarly asssessable; an established professional position, a reputation fixed on the basis of professional skill and science, a certain professional income, give more certain data for calculation of the pecuniary loss than can generally be obtained. Yet if there be no relative within the statutory description with pecuniary expectations, however many other dependent relations there may be reduced to penury by the loss, no liability is incurred for the death, though occasioned by the grossest negligence.

We cannot discover any principle upon which the existence of a dependent family can properly be made the test of the liability of a railway company or other party guilty of negligence; but granting this for the moment, what possible ground can there be for drawing such an arbitrary line amongst the relations. If dependence alone was the test, or if relationship alone was the test, the motive of the statute would, at least, be intelligible; but what can have been the motive of restricting the claim to such peculiar classes only amongst the dependent relations. Has not a dependent sister as strong a claim for compensation as a grandfather or a stepfather; and what can make it right and expedient, as the statute says, to give it to the latter and to refuse it to the former?

But we have hitherto failed in discovering any legitimate principle on which to ground any claim by relatives at all, except indirectly through the estate of the deceased, and according to the proportions in which he has thought fit to provide for them either by will or distribution. No relation has any legal right to share in the property of a living person, which can properly be treated as infringed by his death. The support even of a child by a parent, or of a parent by a child, is a duty of moral or imperfect obligation only, and is not invested with the sanction of the civil law, nor has it ever been recognised before this Act, except to the limited extent required by the poor law on grounds of public policy. A man may, indeed, recover damages for an injury to his wife, son, or daughter, but this is admitted on the principle of his having a vested right to their services; and, upon the same principle, he may recover damages for an injury to a mere servant who is under contract to serve him.

Again, have creditors no expectations from the lives of their debtors, nor any dependence upon their exertions? Why should their claims be here set aside in favour of those of relatives, when, on every other occasion, where they conflict, the claims of creditors are preferred. Surely railway companies ought to be made to pay the debts of the passengers whom they have killed, before they are called upon to make a provision for their grandfathers and grandmothers.

The chief occasion of the Act was the protection of the public from the dangers of railway travelling, and therefore it is chiefly with reference to railway companies that its effects are to be considered. It seems probable, after all, although the interests of the public were most consulted in the matter, that the inequalities of the law just referred to fall more on the public than the companies. The pecuniary dependence of certain near relations as an essential ingredient of the right of action leaves it quite uncertain beforehand which among the passengers are insured and which are not; therefore no distinction can be made in the fares, or in the care with which the passengers are treated. A claim on behalf of railway companies to be informed of the exact particulars of the risk which they incur for the purpose of adjusting their precautionary arrangements accordingly would certainly not meet with much attention, for the public are entitled to all reasonable safeguards from danger under all circumstances. But on behalf of the public the distinction of risk amongst the passengers seems not unimportant. The ordinary liabilities of the company, including compensations, have a direct influence on the fares, which the companies of course rate at a scale proportionate to their total expenses. The fares may thus be considered as partly consisting of the premiums for insurance which are assessed equally upon all, while the insurance is restricted to those who come within the description in the statute. As all the passengers contribute in equal proportion to the payment of the premium, it would seem fair that all should participate equally in the benefit of the insurance. It is true, they benefit equally in respect of the precautions against danger taken by the company, but a startling inequality of benefit appears in respect of the contingent provision for their families in the event of an accident. The individual who has no relations within the favoured degrees derives no benefit whatever, either to his family or estate.

A sufficient reason for the popularity of this law may, perhaps, be found in the fact that the working of it rests mainly in the hands of the public, through the medium of juries. The funds of a company are placed at the disposal of a jury to distribute very much as they please, and there is no individual pecuniary suffering to raise any misgivings as to the justice of their liberality. An impartial consideration of the matter, however, must compel the admission that there always is and always must be a certain amount of risk incidental to railway travelling, quite independent of negligence, either in the general management and regulations of the traffic or in any particular officer or servant. The public knowingly and deliberately incurs this degree of risk, and might fairly be held to stand by the consequences. Practically, however, the public is invested with the power of throwing it all off on the company.

On the whole it would appear that in settling the liability of railway companies as carriers of passengers, in case of death by accident, two points have to be considered and determined. First, on what occasions should the liability of a company arise? and, secondly, when their liability has arisen, for what should they be liable?—in other words, the cause of action, and the amount of damage. The cause of action has hitherto been, theoretically, negligence; but practically, it has been carried to the full extent of a contract of insurance. This practice being inevitable, consistency seems to require that the principle should be made to conform with the practice. The principle, moreover, works well with goods traffic: why should it not with passengers?

The advantages of such a change would certainly be not inconsiderable. There would at once be an end of those long and expensive civil trials turning on the causes of accidents, which occur whenever the cause is more than usually mysterious, and more than usually incapable of a satisfactory solution. What are familiarly known as "running down cases" on common roads, are proverbially recognised as nuisances in courts of justice in consequence of the accumulations of conflicting evidence; and the verdict of a jury in such cases is commonly regarded as a mere toss up, notwithstanding that juries are tolerably familiar with the rules of the road. In railway compensation cases juries have to deal with phenomena of which they are totally ignorant, and the evil is further aggravated by the complicated machinery of railway traffic, and the conflicts of scientific evidence. It is notorious that railway companies are always defeated, though the negligence imputed is often of the most artificial, or what lawyers would call constructive, character. The public are satisfied, with the practical conviction, that the companies are reponsible, without inquiring particularly into the reason; the general impression being, that they are paid for the safety of their passengers, and in return undertake the responsibility. We may agree with the public that, on the whole, the companies may be justly held responsible, but would desire to see their responsibility placed on just and reasonable grounds.

The other point for consideration is the measure of damages. The loss of the passenger's life being the damage in fact, the value of the life, in some sense or other, must be the measure of damage. Under the present law, as we have seen, the pecuniary loss incurred by surviving relations is the measure of damage—a measure which involves, first, an assessment of the value of the life; secondly, an assessment of the expectations of the relations; so that whatever difficulty there might be supposed in assessing the value of a life has been already attempted, and has not proved insuperable. If, then, the value of the life were adopted as the sole measure of damage, and were given in all cases, whether the action be grounded on the principle of negligence or insurance, the matter would thereby, at least, be simplified by cutting off the second branch of the inquiry as to the expectations of relatives. The money value of a life, considered apart from any special expectations of advantage from it, is in reality a much simpler subject of valuation than many which juries are at present called upon to assess. Bodily pain and wounded feelings, for instance, seem to constitute a subject much less capable of a pecuniary estimate; yet their valuation by a jury is matter of every-day occurrence. In the case of a passenger losing a hand, the damage to him is compounded of two elements, both of which are the subject of compensation in law—the bodily pain suffered, and the loss of property; and the jury are called upon to grant a *solatium* for the one and to assess the other. If the passenger is killed, the first element is removed, and there only remains to assess the loss to his estate; and the value of a man's life to his estate is certainly quite as easily assessed as the value of his hand.

We may sum up our observations in the following results—that as railway companies are held, in fact, responsible in nearly all cases of accident, it would be more just and convenient to recognise fully this liability in law than to allow it to be imposed, as at present, at the arbitrary will of juries; that the liability should attach equally in respect of all persons injured, and not only upon the contingency of their having dependent relations; that upon whatever scale the amount of liability should be assessed, whether in proportion to the fare paid, or the loss to the estate, or on any other scale, it should, depend only on considerations personal to deceased, and not at all on the dependence or expectations of relations; that the action should vest in the representatives for the benefit of the estate of which the compensation should form a part; that none of the relations should be disqualified from benefiting, but that the compensation, as part of the estate of the deceased, should be distributed under his will or according to the rules upon intestacy; that, in short, the railway companies should be made insurers of the lives of their passengers, either in respect of the money value of their lives to their estates, or in proportion to their fares, or upon some other scale, and subject to such limitations as to amount as might readily be devised and equitably adjusted, upon principles similar to those by which they have always been held insurers of the goods entrusted to them to carry. We think that the legal relations of railway companies as carriers of passengers might thus be settled on terms more certain and equal in their operation, and on a footing more satisfactory, both to the companies and to the public; that the principles of the law might thus be brought more in harmony with the practice, and material relief afforded in its administration, with little substantial variation in its actual results.

The chaplaincy to the Hon. Society of Gray's Inn has become vacant by the death of the Rev. William Henry Hart, who was only appointed last year in the room of the Rev. W. G. Watson, who was killed in the Pyrenees. The appointment is in the gift of the Society.

The Courts, Appointments, Promotions, Vacancies, &c.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Oct. 12.—*Application for discharge.*—In the case of a petitioning trader who had this morning been adjudicated bankrupt, under the provisions of the Bankruptcy Act, 1861, Mr. Doria now applied for the discharge from custody.

The COMMISSIONER asked if the bankrupt had been brought up.

Mr. *Doria* replied in the negative. He referred to the 17th of the new Rules.

The COMMISSIONER said he had only just seen the Rules. It was very unusual to discharge a bankrupt immediately after adjudication.

Application adjourned.

The Bankruptcy Act.—At 2 o'clock there were eleven petitions presented under the Act of 1861, nearly the whole of which were the parties' own petitions. Adjudication was made in almost every case. The average number under the old law was less than three.

Oct. 14.—*The Jurisdiction of the Insolvent Debtors' Court.*—Mr. *Sargood* wished to ask whether the provisions of the Insolvent Act were still in force. It appeared to him that the old jurisdiction was at present vested in this Court.

The COMMISSIONER.—Do you mean in insolvency business? The Commissioner to wind up pending matters?

Mr. *Sargood.*—That is not so at present; the jurisdiction is at present in this Court. The first section appears to give us no alternative.

The COMMISSIONER.—By the 19th section the Commissioners of the Insolvent Debtors' Court are released from their duties, subject to the obligation of performing such duties and services as are thereinafter provided; and by the 23rd section the Lord Chancellor may direct such unfinished matters to be proceeded with and completed by the Commissioner of such court.

Mr. *Sargood.*—Which direction has not been given. I should suggest that the jurisdiction of the Insolvent Court is vested in the Court of Bankruptcy.

The COMMISSIONER.—Well, it is very likely the Lord Chancellor has by this time authorised the Commissioners to proceed. I have no doubt the delay is accidental.

Mr. *Sargood.*—Under all the circumstances, I do not think it necessary to press the application which I have to make, which is to estreat recognizances and to grant a warrant to arrest an absconding insolvent.

Oct. 17.—The number of adjudications to-day was nine, being about seven in excess of the average number under the old law. It must not be inferred from this that the number of mercantile failures in the country has correspondingly increased. Many of the cases would have gone before the Insolvent Court, and are of the most petty character. One is noticed to be that of a dry fishmonger, who sets forth that his furniture, stock, and all other assets are of the value of £7 only; that books and papers he has none, and that his landlord is in possession of the £7 worth of furniture, &c., for arrears of rent.

COURT OF COMMON COUNCIL.

Oct. 17.—At a court holden this day, a letter, addressed to the Lord Mayor by Mr. Malcolm Kerr, the Judge of the Sheriff's Court, was read, requesting his Lordship to apply to the Council for their approval to his appointing a deputy-judge of the Court. He adverted to the fact that previous applications to the same effect had been made through the Lord Mayor, and that the statute constituting the Court contemplated the release of the Judge from duty for two calendar months annually. He had delayed making the application in order that he might be able to give his attendance on the committee now engaged on the inquiry relating to the duties of the officers of the Court.

The application was unanimously granted.

On the 11th instant Parliament was further prorogued to the 17th December.

Recent Decisions.

HOUSE OF LORDS.

SUCCESSION DUTIES ACT—16 & 17 VICT. c. 51.

Lord Braybrooke v. *The Attorney-General*, 9 W. R. 601.

A second point decided in the above case was as to the right of a successor, in estimating the amount of duty to which he is liable, to deduct from the value of the property to which he has succeeded, the amount of an annuity which has ceased, or of which he has ceased to enjoy the benefit, upon his succession.

The question turns solely on the application of the 38th section of the Act, which enacts that, "where any successor upon taking a succession shall be bound to relinquish or be deprived of any other property, the Commissioners shall, upon the computation of the assessable value of his succession, make such allowance to him as may be just in respect of the value of such property."

The earliest reported decision on this section is *Re Micklethwait* (1855), 11 Ex. 452. In this case one C. M. covenanted by deed to pay to a trustee an annual sum of £500 during the joint lives of the petitioner and E. M. his wife, and the life of the survivor; and there was a covenant on the part of the trustee to pay the same to the petitioner during his life, and after his death to E. M. for life; and if the petitioner should, by reason of the death of S. M., without issue, come into the possession of certain estates therein mentioned, then the said covenant on the part of C. M. should absolutely cease and determine. S. M. died on the 3rd of September, 1853, without issue. The petitioner came into possession of the estates, and thereupon the annuity ceased. He accordingly claimed from the Commissioners to have an allowance made to him under the above section, in respect of the annuity. His claim was resisted on the part of the Crown, but the Court of Exchequer held, without much difficulty, that he was entitled to make the deduction. They considered that the annuity was property either which he was "bound to relinquish," or of which he was "deprived."

Some doubt, however, was thrown upon this decision by the Chief Baron and Baron Bramwell, in the case of *The Attorney-General* v. *Sibthorp* (1858), 3 H. & N. 424. There, a tenant for life and his son, the remainderman in tail, executed a disentailing deed, and by a deed of appointment, executed the next day, the estates were granted to trustees in trust, subject to the payment of £1,000 per annum to the son during the joint lives of himself and his father, for the son for life, remainder to his sons in succession in tail. On the death of the father the son's annuity ceased, and the Court refused to allow him any deduction in respect of it. The Chief Baron drew this distinction between the case and that of *Re Micklethwait*. In this case, he said, the value of the annuity of £1,000, calculated with reference to the expectancy, could have been ascertained; and if the son had actually received less than the estimated amount, he might have been allowed an abatement in respect of the difference; if he had received more he might have been charged, but the Act was not in force during the whole time. In this case it so happened, owing to the death of the father taking place when it did, that the son would have had no claim to any abatement. This reasoning, however, did not apply to the case of *Re Micklethwait*, where the cesser of the annuity depended not upon the dropping of a life, but upon an uncertain condition—namely, that of the annuitant coming into possession of certain estates. His Lordship did not overrule *Re Micklethwait*, but he declined to accede to the argument that the Court ought to consider itself bound by that decision, and suffer itself, if wrong, to be reversed by the Court of Error. He considered that Lord Wensleydale (then Parke, B.) and Baron Watson decided *Micklethwait's Case* on the ground that the Crown had not sufficiently made out their claim. Baron Bramwell agreed with the Chief Baron. He was of opinion that the statute does not contemplate the case of an annuity *ceasing*. He argued that a man cannot relinquish or be deprived of a thing unless it exists; and that the statute was intended to apply only in cases where a man is bound to relinquish, or is deprived of something which still remains for somebody else to enjoy. He put the supposed case of the father and son having exercised their power of appointment in such a way as to give the £1,000 annuity to the longest liver of the two, and subject thereto to the father for life, remainder to the son for life, &c. In such a case it would have been idle to contend that the son would not have had to pay succession duty, both on the £1,000 and on the estate, less the £1,000. Why then should he be allowed an abatement in respect of an annuity which had actually terminated with the father's life, and was no longer a charge in the estate? Baron Watson was of the same opinion, on the grounds—first, that the son neither relinquished nor was deprived of this annuity. It was created for the life of the father only. There was no election here—no case such as the statute contemplated. Such an election, the learned judge considered, might have arisen in *Re Micklethwait*, which was, on this ground, distinguishable. He also thought that under the 12th section the annuity of £1,000 came under the class of dispositions made by the successor himself, who was, in this instance, the son. It was not charged under the will of the original settlor; therefore he concluded the son was chargeable at the same rate as he would have been if no such disposition had been made.

The decisions were in this state when the hearing of *The Attorney-General* v. *Lord Braybrooke* took place in the Exchequer (1860), 5 H. & N. 588, 8 W. R. 471. The circumstances were little else than a repetition of *The Attorney-General* v. *Sibthorp*. The father and son having executed a disentailing deed, afterwards appointed the estates to the use that the son should receive an annual rent charge of £1,200 during the joint lives of himself and his father, and subject thereto to the use of the father for life, remainder to the son for life, with remainders over. The Court shortly decided, for the reasons assigned in *The Attorney-General* v. *Sibthorp*, that no allowance could be claimed by the son on the annuity ceasing.

The House of Lords, on appeal, reversed this decision, and by their arguments, no less than by their judgment, confirmed the first case of *Re Micklethwait*, which the two intermediate authorities had somewhat shaken. The Lord Chancellor (Campbell) drew a distinction between the two expressions, "shall be bound to relinquish" and "shall be deprived of." He thought that the former expression could not be applied to property which did not continue to exist; but he could not say that the son in this case was not "deprived of" the annuity by its coming to an end at the moment when he succeeded to the estates. Lord Wensleydale concurred in supporting his own decision in *Re Micklethwait*; and Lord Kingsdown was of the same opinion. He thought that a person taking a succession under the Act was to pay a duty only upon its value, and that the value was to be computed by taking into account, not only what he gained but what he lost by the succession. Here the son had lost his annuity, in respect of which he (Lord Kingsdown) agreed with the Lord Chancellor in thinking that he was entitled to an allowance. Thus the elaborate reasonings of the Barons of the Exchequer fell to the ground, and the original view adopted in the year 1855 was supported.

The result seems to be, that in cases where an annuity is covenanted to be paid to A. on condition that if he should, by reason of the happening of a stated event, come into the possession of certain estates, the covenant shall cease and determine; or where lands are limited to the use that a son shall during the joint lives of his father and himself receive an annuity, and subject thereto to the use of the father for life, remainder to the son for life: in either case, on the annuitant coming into possession of the estates, or on the death of the father, he shall, in the estimation of the amount of succession duty to which he is liable, be allowed to deduct from the value of the estates the worth of the annuity of which he has "been deprived."

The above review of the decisions preceding and subsequent to *Lord Braybrooke* v *The Attorney-General* would be incomplete, without reference to a judgment of the Court of Exchequer on the 6th of July last, *In re Sir H. Peyton*, 9 W. R. 838. The questions raised and decided on this occasion were different from those above mentioned; but there are points on which some of the above arguments have application to the circumstances under which the contest arose in Sir H. Peyton's case. The father, Sir H. Peyton, being seised in fee, settled the estate to himself for life, remainder to his first and other sons in tail male. A jointure of £1,000 a year was by the same deed secured to Lady Peyton. Shortly after the first son (now Sir H. Peyton, the petitioner) attained twenty-one, he joined with his father in barring the estate tail, and re-settling the property by giving his father an estate for life, then himself an estate for life, with remainder to his first and other sons in tail male, with an additional rent-charge of £1,000 a year to his mother, Lady Peyton, after her husband's death, and a joint power of appointment to his father and himself. This joint power of appointment was exercised—first, in making a joint mortgage by the petitioner and his father as for money lent to

them jointly, with joint and several covenants for repayment; secondly, in creating a charge of £2,000, of which £1,500 remained due, for a debt of the father, with a covenant or obligation on the son for its repayment; and thirdly, in securing an annuity of £500 to Algernon, the eldest son of the petitioner, for the joint lives of Algernon and of the survivor of the petitioner and his father. Upon the death of his father Sir H. Peyton claimed a deduction of duty in respect of these four incumbrances, all of which had been disallowed by the Commissioners. The 34th section enacts that, "in estimating the value of a succession, no allowance shall be made in respect of any incumbrance thereon created or incurred by the successor, not made in execution of a prior special power of appointment, but an allowance shall be made in respect of all other incumbrances; provided that upon any successor becoming entitled to real property subject to any prior principal charge, an allowance shall be made to him in respect only of the yearly sums payable by way of interest or otherwise on such charge as reducing the annual value *pro tanto* of such real property."

First, as to Lady Peyton's jointure, counsel for the Crown were instructed to say, that on the above section taken alone, the jointure must be considered an incumbrance created by the successor, and that the present baronet was liable to pay it; but that on reading the 2nd, 5th, 12th, and 34th sections together, they were of opinion Lady Peyton was the person properly chargeable. The Crown therefore conceded to the petitioner an allowance on this incumbrance, and on this point the Court gave no opinion.

Secondly, as to the mortgages and the annuity of £500, the Court held, that as Sir Henry Peyton had taken a succession under a disposition made by himself—that, as he was entitled at the date of the disposition to the property expectant on the death of his father, and his father had died after the commencement of the Act, and during the continuance of the disposition, the petitioner was chargeable with duty under the 12th section, at the same rate as if no such disposition had been made. Up to this point *Lord Braybrooke* v. *The Attorney-General* was an authority in point. But then came the question as to the incumbrances and annuity, to which the 34th section seemed to apply. First, were they incumbrances created by Sir H. Peyton? The Court held that they were. In form they were created, no doubt, by both Sir H. Peyton and his father; but they were, in reality and substance, created solely by the petitioner. They were, therefore, incumbrances created by the successor. Secondly, were they made in execution of a prior special power of appointment? The Court thought they were not; and that this particular clause of the 34th section was introduced to protect successors against the hardship of being compelled to pay a tax in respect of an incumbrance which it may have been their duty to have created. The 5th section was held not to apply to the £500 annuity, and accordingly any deduction in respect of either of the three incumbrances was disallowed.

The only member of the Court who dissented from these conclusions was Baron Bramwell. The point on which he differed was with regard to the question whether the incumbrances were created by the successor, Sir H. Peyton? The learned judge said, that no doubt they were made by Sir H. Peyton in the sense that he was one of the parties making or incurring them; but as they were also made and incurred by the father, in truth they must be considered as having been made or incurred by both. The arguments in favour of the petitioner being the sole maker of these charges are—first, that they could not have been created without his consent; therefore, he alone in substance creates them: secondly, he could have created a power by virtue of which the father could create those charges; in which case he would himself have created them, for limitations created in execution of a power must be read as if they were introduced into the deed creating the power; and *Lord Braybrooke* v. *The Attorney-General* is an authority to show that the tenant in tail takes under his own disposition, and consequently is his own predecessor. It is unnecessary to examine the objections to this reasoning which were raised by the learned judge, inasmuch as they did not prevail with the Court; they may be studied, however, as an exercise of argumentative subtlety; 9 W. R. 839.

It only occurs, in conclusion, to observe three points. One, that the judgment in *Lord Braybrooke's case*, on the above question as to the annuity, has this remarkable bearing on *Sir H. Peyton's case*; it decides that Algernon Peyton, on the death of the survivor, will be entitled to deduct for the cesser of the annuity of £500, although no abatement in respect of the same has been allowed to his father, the present petitioner. Secondly, an argument of very specious appearance has been completely demolished by the judgment in *Sir H. Peyton's case*—namely, that it is a great hardship to compel the successor to pay duty on a larger amount of property than he succeeds to. But why does he succeed to a less amount of property than that on which he is charged? If he has assigned the property the assignee must pay, and he escapes; if he has mortgaged the property, he has simply anticipated it, and cannot justly be said to be exempt from the consequence of his own act. In the present case, also, the petitioner was already liable in respect of the mortgages, and the succession only gave him increased means of paying them. Thirdly, on the other hand, it is going too far to say that it was the intention of the Legislature to charge a successor not only upon that part of the succession which comes to him beneficially, but also upon all property which might have come to him but for his own acts. Had this been so, Sir H. Peyton would have been liable to duty for the annuity created in favour of Lady Peyton; but this claim was abandoned by the Crown as untenable.

[See further on the subject of the Succession Duties Act, a decision of *The Attorney-General* v. *Deane*, by the Irish Court of Exchequer, on 7th June last, Ir. Jur.

REAL PROPERTY AND CONVEYANCING.

VOLUNTARY DEEDS — SETTING ASIDE AT INSTANCE OF VOLUNTEERS—DUTY OF SOLICITOR.

Anderson v. *Elsworth*, V. C. S., 9 W. R. 888.

This case affords a good example of the sort of mistake that is rectified in equity. The suit was instituted to set aside a deed by which A. B., without reserving to herself a life estate or power of revocation, conveyed all her property at once to her niece. It was alleged in the bill and relied upon in the argument on behalf of the plaintiffs, that A. B., who was seventy-five years old, was of weak mind, and had been, in fact, subjected to undue influence on the part of the niece, to whom she had, as far back as 1843, bequeathed all her property. The deed in question was prepared by a solicitor, who, on being asked by A. B. to point out the difference between a deed and a will, replied that a will was revocable but that a deed was not; and that as to expense, they were much the same in the first instance, but that the costs incurred for probate rendered a will ultimately the most expensive. The Vice-Chancellor considered that the solicitor had not fully explained to A. B. the further distinction between a deed and a will; that she would by the latter have been left in possession of her property during her life, but that by a deed she would be thrown upon the bounty of her niece. His Honour accordingly ordered that there should be a reconveyance to the heir-at-law, or such persons as he should direct—the ground of this decision being that the solicitor had not sufficiently explained the nature of the instrument.

The principle upon which his Honour rested his decision precludes any necessity for our noticing the rules observed by a court of equity in setting aside instruments obtained by means of undue influence. All the important cases under this head of equity are given in the notes to *Huguenin* v. *Baseley*, 2 W. & Tud. Lead. Cas. p. 406. It is remarkable in the present case, that his Honour did not endeavour to rectify the instrument so as to correspond with the intention of A. B., rather than wholly set it aside in favour of a volunteer. A. B. had resolved to leave her niece all her property, and to leave the plaintiffs nothing. The instrument which she used for this purpose should, no doubt, be set aside, so far as it was in excess of her intention—viz., in not leaving herself a life interest and a power of revocation; and if A. B. had made a subsequent disposition of her property in her lifetime, under the impression that the deed to her niece was revocable, the grantee under the former deed would doubtless have a clear equity against the niece, so as to have a power of revocation inserted in the deed to the latter. But it appears to be a hard case that a deed, which was intended to give almost all, gives nothing. It would appear open to question whether a deed should have been *wholly* set aside upon the ground of a *partial* mistake, which only applied to a single clause, and not to the whole instrument. Of course A. B. could indirectly have avoided it wholly, if she so chose, by a sale to a purchaser without notice. The purchaser could then avoid the voluntary grant —not, however, on the ground of mistake, but by force of the statute 27 Eliz. c. 4. A purchaser from the devisee of one who had made a voluntary conveyance in his lifetime is not entitled under that statute to avoid the voluntary conveyance; *Newman* v. *Rusham*, 17 Q. B. 723. An heir-at-law or next of kin is not more favoured in equity than a devisee.

It is not easy, therefore, to perceive the ground upon which the plaintiffs' claim in the present case can be sustained, so as *wholly* to defeat the voluntary instrument. Is a testator or grantor to be informed of every single legal consequence of the instrument which he is going to execute before the deed can acquire any validity? In the present case the deed actually corresponded with the intention of the grantor. His Honour suggests this difficulty as existing in the case, but does not overthrow it. He rests his decision upon the general ground that a deed, of which the grantor does not fully understand the effect, is inoperative to transfer a right of property. The maxim *ignorantia legis neminem excusat*, though often pushed rather far, is not without its use, and this maxim the decision in the present case tends strongly to neutralize. The Court will not assist a vendor in defeating a prior voluntary settlement made by himself; *Smith* v. *Garland*, 2 Mer. 123. The case of *Villers* v. *Beaumont*, 1 Vern. 100, appears to support somewhat the claims of the defendants in the present case, although it is not reported as mentioned in the arguments or judgment. That case establishes the rule that if a voluntary deed be made to a stranger—that is to say, a person not standing in any confidential or fiduciary relation towards the donor—equity will not set it aside, however improvident it may be, if it be free from the imputation of fraud, surprise, and undue influence, and made by the donor with a full knowledge of the facts. In the present case, as already observed, his Honour did not entertain the question of undue influence. In *Gibson* v. *Russell*, 2 Y & C. 104, a deed of gift of real estate from an aged and infirm person to his medical attendant was set aside for fraud, one of the circumstances in proof of fraud being that the deed stated, contrary to the truth, a money consideration. These cases, however, are readily distinguishable from the present, inasmuch as those decisions rested upon the ground of fraud or of undue influence having been exercised over the grantor. In *Blackie* v. *Clark*, 15 Beav. 595, on the other hand, the grant of annuities by a married woman to her confidential medical attendant was held good against her separate estate. It was held, in the same case, that the *onus* of proving the invalidity of the grant rested on the grantor or his representatives. It appeared, indeed, in the last-mentioned case that the grantor understood perfectly the nature of the grant. But the main question in *Anderson* v. *Elsworth* appears to have been whether a mistake, which did not go to the gist of a transaction, but only applied to the insertion of a particular clause in the instrument used, should be allowed to deprive the deed of all operation, and render it completely void.

It does not appear that the deed in *Anderson* v. *Elsworth* was sought to be supported in the argument for the defendants as having a testamentary nature; and yet such a position is perhaps sufficiently tenable. In the case of *Habergum* v. *Vincent*, 2 Ves. Jun. 204; s.c. 4 B. C. C. 355, an instrument in the form of a deed poll, whereby the grantor professed to execute a power which he had reserved to himself in a previous will, was held to be of a testamentary nature. Mr. Justice Buller in that case said that the cases had established that an instrument in any form, whether a deed poll or indenture, if the obvious purpose is that it should not take place till after the death of the person making it, shall operate as a will. In one of the cases there were express words of immediate grant; but as, upon the whole, the grantor intended that its operation should be postponed until after his death, it was considered as a will. In the case of the *Attorney-General* v. *Jones*, 3 Price 368, the doctrine *ut res magis valeat* was carried perhaps too far. In that case the instrument used had almost all the characteristics of a deed as distinguished from those of a will. The instrument, nevertheless, was held to be testamentary. The Prerogative Court used frequently to grant probate of the most irregular documents, such as the assignment of a bond by indorsement; *Musgrave* v. *Down*, T. T. 1784, cit. 2 Hagg. 247; receipts for stock and bills indorsed; *Sabine* v. *Goate and Church*, T. T. 1782, cit. 2 Hagg. 247; marriage articles; *Marnell* v. *Watton*, T. T. 1796, cit. 2 Hagg. 247. For striking illustrations of the rule that a deed will sometimes be considered as a will, we refer the reader to *Masterman* v. *Maberly*, 2 Hagg. 235, and *In re Knight*, 2 Hagg. 354. The questions which arose in those cases are not precluded by the statute 1 Vict. c. 26. Thus, in *Jones* v. *Nicolay*, 2 Rob. 288, a paper in the form of a bill of exchange was held entitled to probate as a codicil. Also in the case of *Doe d. Cross* v. *Cross*, 8 Q. B. 714, a power of attorney was held to be testamentary in certain respects. The Court seemed disposed to think that there was no objection to an instrument operating partly *in præsenti* as a deed, and partly *in futuro* as a will.

It would appear, therefore, that there was room to contend that the deed in *Anderson* v. *Elsworth* could be supported as a will, as the grantor did not intend to deprive herself of all control over her property during her life, and, at the same time, was resolved upon providing for the defendants. The Vice-Chancellor appears to have considered the mistake made by the grantor of the deed in this case to be such as that no interest whatever passed under it—that the deed was wholly void. It would appear, however, open to doubt whether an interest did not at all events pass under it, no matter whether that interest was or was not liable to be overhauled by a bill in equity. Surely, a sale to a purchaser for valuable consideration would have extinguished the plaintiffs' claim, if any. Even if the deed had been confessedly obtained by means of undue influence, it would become good in the hands of a purchaser for value without notice, *Blackie* v. *Clark*, *ubi. sup.*; *Corbett* v. *Brock*, 20 Beav. 524. The current of decisions appears to be in favour of the proposition that an interest passes in every such case, subject, however, to be defeated by the Court upon a proper case. The decision in *Anderson* v. *Elsworth* is, however, opposed to such a doctrine.

Correspondence.

LANDLORD AND TENANT.

I shall be glad to know whether any of your readers have heard and can give any particulars of a case of *Wardle* v. *Usher*, which I am informed was an action brought by a landlard against his tenant for removal of trees, &c., planted by the tenant for ornament in the ground attached to a private suburban residence, and tried at Nisi Prius two or three years ago. The tenant was not a nurseryman or gardener. The judge is stated to have left it to the jury to determine whether the tenant planted the trees, &c., with the intention of removing them; and thereupon the jury gave a verdict in favour of the tenant. It is laid down that a tenant, in the absence of an agreement, has no such right of removal. Query: whether the planting with the intention to remove makes any difference?

B. A.

POWER OF ATTORNEY—FOREIGN COUNTRY.

I should be glad to learn through your columns what formalities (if any) are necessary to render a power of attorney given by a person in this country to be acted upon in a foreign state or colony, a valid legal instrument; in other words, is the city seal necessary, or a notarial verification of the document, or will an ordinary attestation be sufficient?

A Law Clerk.

SUCCESSION DUTY.

In the commentary contained in your number of the 5th inst. on the recent judgment of the House of Lords in the case of *Lord Braybrooke* v. *The Attorney-General*, 9 W. R. 601, you draw the conclusion that a "tenant in tail in remainder, when he has the entail, may, if he pleases, alienate the estate, and no succession duty will be payable by him." And the judgment of the late Lord Chancellor warrants this conclusion; but it is at variance with the opinion of the Comptroller of Succession Duties, who insists that a tenant in tail in remainder cannot, by any means, defeat the succession duty expectantly payable by him on the decease of a tenant for life, and who, upon the decease of the tenant for life, requires payment of succession duty, although he and the tenant in tail in remainder may have disentailed the estate, and conveyed it to a purchaser.

J. W.

JOINT STOCK COMPANIES FRAUDS.

At the recent meeting of the National Association for the Promotion of Social Science at Dublin, Mr. D. C. Heron, Q.C., read the following paper on this subject:—

The principle of association has been repeatedly characterised as the most prominent test of an advanced civilisation. The incapacity to combine is at once the cause and effect of a low development of humanity. The faculty of association has received its latest extension in the institution of joint stock companies, enabling communities to accomplish enterprises beyond the means of private capatalists. Adam Smith, more

than eighty years ago, named the trades which it seemed to him possible for a joint stock company to carry on successfully without an exclusive privilege. He correctly defined them as those in which all the operations are capable of being reduced to routine, or to such a uniformity of method as admits of little or no variation. He enumerated four trades — banking, insurance, canal companies, and water companies, or the supply of water to a large city. The wonderful progress in material prosperity of the nations which inhabit the British islands has developed during the present century other trades which joint stock companies can carry on with success. Railway companies, steam-boat companies, gas companies, mining companies, companies to supply public amusement, such as the Crystal Palace Company, companies to facilitate communication, like the Electric Telegraph Company. These companies in themselves are only modifications of the principle enounced by Adam Smith, that joint stock companies can carry on successfully those operations in trade which are capable of being reduced to a routine where the capital required is beyond the means of private individuals. Wherever the capital required is within the means of private individuals the trade cannot be carried on successfully by joint stock enterprise. The result of the extraordinary success of the joint stock principle within the last twenty years has been that numbers of persons of humble origin, of indifferent moral principles, have been brought into contact with enormous sums of money, the appropriation of which has been extremely easy, and these persons have appropriated enormous sums, careless about detection and ready to pay the penalty of their liberties or their lives if detection should follow. The first case to which I think it right to call attention is the case of Walter Watts—he was a clerk in the Globe Insurance Company in London, at a salary of £200 per annum. Between the months of August, 1844, and February, 1850, he abstracted £70,000. When he commenced the system of defalcations he was only twenty-five years of age, but the life he led during his six years of public plunder was remarkable. In 1844 the name of Walter Watts suddenly became associated with fashionable and Corinthian life in London. He became a patron of art and pleasure in its most extravagant form; he kept an establishment at the West End and a country house at Brighton; he had one of the best cellars in London, stocked with the rarest vintages; he had some of the best horses in London; he was a devoted attendant at the theatres. During all this time he was only a check clerk in the cashier department of the Globe Assurance Office, with a salary of £200 per annum, having been placed there by his father, who had for forty years filled a subordinate position in the Globe Office. Not content with the extravagance unavoidable in such a course of life, he started as a theatrical manager of two theatres. In 1847 he became lessee of the Marylebone Theatre, and during that year the celebrated Mrs. Warner appeared there as the star of the unsuccessful legitimate drama. During the season of 1848 and 1849 Mrs. Mowatt and Mr. Davenport, two American artists, played at Watt's Theatre. Watts spared no expense. Mrs. Mowatt's dressing-room beneath the stage was fitted up like a bower of the Genii in the Arabian Nights. In fact, the brilliancy of the expenditure on the Marylebone Theatre was the subject of conversation all over London during the year 1849. The only persons who knew nothing about it appeared to be the directors of the Globe Office, in which Watts, spending £10,000 a year, was a clerk at £200 a year. In 1849 he opened the Olympic Theatre, but the extravagant and splendid management of this beautiful temple of Thespis only lasted a few months before his frauds on the insurance office were detected. It is to be regretted that the company published no complete account of the mode in which the frauds were carried on. The first report which was laid before the board, somewhere about the close of the month of March, 1850, is presumed to have been merely of a preliminary character; but it is said to have contained the important facts that the defalcations during the year 1849 alone amounted to upwards of £18,000; that in the receipt department of the office there was no effective check against fraud, although, owing to the integrity of the officials, no fraud had taken place; and that, in the accountant's office, in which Watts was employed, the lax practice prevailed of making the bankers' pass-book the foundation of the entries in the books of the company, instead of the documents referring to the payments ordered; so that if the persons having the custody of the pass book chose to falsify it, the false entries were transferred to the general books of the office, and thus made to cover abstractions effected through the bankers. Watts, being tried and convicted, committed suicide. The next case of a similar character to which I wish to direct attention is that of John Sadleir. It illustrates another of the two great classes of joint-stock frauds. In one, the servant with the greatest facility embezzles hundreds of thousands of the property of his employers. In the other, the director, entrusted by the shareholders to manage the property, with the greatest facility appropriates it to his own use. John Sadlier, in the year 1836, was admitted as an Irish attorney, and practiced with success in the country and in Dublin. In 1847 he was elected a Member of Parliament. In 1853 he was appointed Lord of the Treasury under Lord Aberdeen. He looked forward to be Chief Secretary for Ireland or Chancellor of the Exchequer, and had a fair chance of either of these great offices. All this splendid position he owed to the fact of being enabled to use the money of the Tipperary Joint Stock Bank. He himself was a man of simple and inexpensive habits, and the only relaxation he took was hunting, which he did not carry on in any extravagant manner. His resignation of his place at the Treasury, and retirement from the Government, were followed by his resignation of the post of chairman of the London and County Bank. His credit was then gone in London. His forgery of the title deeds of the Irish Incumbered Estates Court was detected; and on the 16th of February, 1856, John Sadleir committed suicide at the age of forty-two. From the Tipperary Bank John Sadleir abstracted over £200,000. As chairman of the Royal Swedish Railway Company he issued false shares to the nominal amount of £150,000, the whole proceeds of which he appropriated. The most singular part of John Sadleir's frauds is this—that over a quarter of a million of the money he received is unaccounted for—that there is no tangible method of explaining how the money was spent, or who received it from him. The Royal British Bank was started in the year 1850, with a capital of £100,000, one-half of which was paid up. The board managed its affairs in the way every dishonest board in every joint stock bank can do if they please. Mr. Cameron, the manager, became indebted to the amount of £30,000; Mr. M'Gregor, £8,000; Mr. Mullins, £7,000; Mr. Gwynne, another of the old directors and original projectors, £13,000, of which no account was rendered to the shareholders, and of which it is extremely problematical whether the creditors have recovered one penny; and one of the auditors, who, it may be presumed, was a little too prying, found it more convenient to accept an advance of £2,000 than to enter into disagreeable questionings of vouchers and cheques. Mr. Humphrey Browne, member of Parliament, on the day he opened his account, paid in £18 14s., and he drew money until he was debtor to the company to the amount of £70,000. The bank stopped on the 3rd of September, 1856. During its existence of six and a-half years it exhausted the whole of the £158,000 subscribed by the shareholders, and left them beside half a million in debt. The British Bank directors were tried for a conspiracy to defraud, and they were convicted. But the heaviest sentence pronounced was imprisonment for one year. Lord Campbell, in pronouncing sentence, said—"I acquit you of having originated this bank with the fraudulent intent to cheat the public; but it is now demonstrated that for years you have carried on a system of deliberate fraud, and have fabricated documents for the purpose of deceiving the public, for your own direct or indirect benefit. It would be a disgrace to the law of any country if this were not a crime to be punished. It is not a mere breach of contract with the shareholders or customers of the bank, but it is a criminal conspiracy to do what inevitably leads to great public mischief, in the ruin of families, and reducing the widow and orphan from affluence to destitution. I regret to say that in mitigation of your offence it was said that it was a common practice. Unfortunately a laxity had been introduced into certain commercial dealings, not from any defect in the law, but from the law not being put in force; and practices have been adopted without bringing a consciousness of shame, and, I fear, without much loss of character among those with whom they associate. It was time a stop should be put to such a system, and this information was properly filed by her Majesty's Attorney-General, and the jury have properly found you guilty. I hope it will now be known that such practices are illegal, and will not only give rise to punishment, but that no length of investigation, no intricacies of accounts, and no devices, will be able to shield such practices." Still, the heaviest sentence was only twelve months' imprisonment. And there are thousands of persons who would submit to twelve months' imprisonment for £50,000. William James Robson has immortalised himself in the annals of crime by his frauds on the Crystal Palace Company. In 1853 he obtained a situation there at £1 per week, and in June, 1854, he

was appointed chief clerk in the transfer department at a salary of only £150 per annum. But Robson was a well-educated, refined, and gentlemanlike man, thirty-four years of age, with literary tastes, the author of several plays, and having a large circle of expensive acquaintances in London. The simple plan by which he obtained £27,000 by false pretences was this—Robson directed a Mr. Clement, a stock-broker, to sell one hundred shares in the company, and the broker accordingly sold them, fifty to a Mr. Joseph Lowe, and fifty to another person. For these shares the broker received £995, which he paid over, less commission, to Robson. The document by which these shares were transferred purported to convey the shares from Johnson to the purchasers. The signature to the deed where the name of the transfer should be was that of Henry Johnson, nominally of course written by that gentleman, who, however, had no existence, the whole thing being a forgery on the part of Robson. Opposite to this name were the seal and signature of the attesting witness, "William James Robson, of No. 3, Adelaide-place, London-bridge" (the office of the Crystal Palace Company). Like Watts, Robson lived in a most extravagant style. It is unnecessary to go into details—he was tried and sentenced to be transported for twenty years. Leopold Redpath commenced his career as a lawyer's clerk; he then was appointed a clerk in the Peninsular and Oriental Steam Company. Leaving this office he set up business as an insurance broker, but shortly afterwards failed for £5,000. About the age of thirty-five he obtained the appointment of clerk in the service of the Great Northern Railway Company, and in that office exhibited one of the most extraordinary instances of successful swindling combined with high moral reputation and a truly benevolent career. Redpath's simple plan was, like Robson's, to create fictitious shares; and all this while the directors, though they found themselves paying dividends which they could not account for, appeared to entertain no suspicion of the fact that they were daily being robbed to a large extent; nay, so far duped were they, that some three years after Redpath had commenced his swindling, the following document was actually placed upon record by the auditors of the company:—"Accountants' Department, August 7, 1856. To the Chairman and Directors of the Great Northern Railway Company. Gentlemen,—The accounts and books in every department continue to be so satisfactorily kept, that we have simply to express our entire approval of them, and to present them to you for the information of the shareholders, and with our usual certificate of their correctness.—We have the honour, &c. (Signed) John Chapman, J. Cattley, Auditors." Redpath was a public subscriber to all the great charities of London. He had a splendid house at Weybridge, with a noble park and pleasure grounds, fifteen servants, including a courier and a French cook. The anecdote of the occurrence that led to his discovery is remarkable. Mr. Denison, the chairman of the company, was standing on a station platform conversing with Lord D——, when Redpath happened to come up, and lifted his hat to Mr. Denison. The nobleman, however, was on easier terms. Taking Redpath by the hand, "Ah, my dear fellow," said he, "how are you?" Having parted, the Chairman turned to Lord D—— and asked what he knew of their clerk? "Oh," said he, "he is the jolliest fellow in life; he gives the most sumptuous dinners and capital balls that I know of." Redpath was tried in January, 1857, and sentenced to be transported for the term of his natural life, stock to the amount of £220,000 having been fraudulently issued by him. Numerous other instances might be given; but the result is this—that nothing appears more easy, either for a dishonest servant or a dishonest director, than to rob a joint stock company. Robson and Redpath's frauds were effected by the manufacture of fictitious shares. In all probability there is this moment in existence a vast quantity of fictitious shares in joint stock companies. In fact, for the last ten years every species of robbery and fraud has been practised on the shareholders and creditors of these bodies. The evil is increasing. The London and Eastern Banking Company was instituted in 1854, on the principle of extending the joint stock banking system to England. Colonel Waugh was one of the first directors, and in two years he, without security, drew £244,000, almost the entire subscribed capital of the company. The bank failed in 1857. Waugh's case resembled Sadleir's in this—there was no tangible account of what became of the money. Many other cases might be given in detail for the last ten years—Pullinger's frauds on the Union Bank to the amount of over £400,000, and divers others. The most recent is the fraud on the Commercial Bank of London, discovered only in February, 1861, and in consequence of which the business of the Commercial Bank was transferred to the London and Westminster Bank. It was discovered that a person named Durden, one of the ledger clerks, at the only branch possessed by the Commercial Bank—namely, that in Henrietta-street, Covent-garden—had defrauded it to the extent of about £60,000. Durden had been twelve years in the bank's service, and during eleven years he acted as ledger keeper. It is believed that he had been robbing his employers during nearly the entire period. It is a remarkable fact that, like Pullinger, he was most assiduous in the performance of his duties, and that during a period of eleven years he had not a single holiday. The iron frame of this man—who, whilst he was a good husband and father, and enjoyed in every way public esteem, was still, for twelve years, daily robbing his employers—succumbed at last. He was seized at his desk with a paralytic fit, and when his duties were temporarily entrusted to another officer of the Bank, it was at once discovered that the sum possessed by the bank was £60,000 less than it purported to be by the books. This is the last instance I shall give. The evil, I repeat, is increasing. How is it to be diminished? Severity of punishment will have very little effect. For a career like Watts' or Robson's many men would cheerfully submit to six or ten years' penal servitude. To any person not supported by a sense of morality, religion, and a consciousness of doing one's duty to God and man, nothing can be more miserable than the situation of a mercantile clerk, with the wretched salary which competition compels him to accept. On the other hand, men like Watts or John Sadleir will commit suicide when detected, so that even death has no terror for the commercial swindler on a grand scale. Joint stock companies received from the Legislature important privileges, which enabled them to accumulate vast capital under the present system. It is very easy to plunder these companies, and the punishment of the swindler is very little consolation for the persons who lose their money. I propose, therefore, that all joint stock companies should be subject to the inspection and audit of a public office, which might be made one of the permanent departments of the Board of Trade. The companies themselves recognise the principle of publicity by holding half-yearly meetings and publishing half-yearly balance-sheets. There could be no sound objection that these should be audited and verified by a Government officer, responsible to the Government for the proper discharge of his duties. Unless some such means be adopted joint stock frauds will increase with the number of joint stock companies. The misery caused by the failure of a bank like the Royal British, the London and Eastern, and the Tipperary Bank cannot ever be estimated. John Sadleir, in his letter written an hour before he swallowed poison, feebly pourtrayed it:—"I find myself the author of numberless crimes of a diabolical character, and the cause of ruin, misery, and disgrace to thousands—aye, tens of thousands. I weep and weep, but what can that avail?" It is the high function of this great Association to suggest measures to prevent, if possible, the recurrence of such misery and ruin. Prevention is better than punishment. In the words of Mill, speculative philosophy, which to the superficial observer appears a thing so remote from the business of life, is in reality the thing on earth which most influences it, and in the long run overturns every other influence save that which it must itself obey. And I bring this suggestion before the statesmen whom I have the honour to address, hoping it may receive some consideration from them and from the society.

Births, Marriages, and Deaths.

BIRTHS.

ADYE—On Oct. 6, at the Retreat, Hull, the wife of Arthur Adye, jun., Esq., Solicitor, of a son.

EDWARDS—On Oct. 15, the wife of John Edwards, Esq., Solicitor, of 14 and 15 St. Swithin's-lane, London, of a son.

MARRIAGES.

EDMISTON—LAY—On Oct 17, G. D. Edmiston, Esq., of Glengall-terrace, Old Kent-road, to Sarah Amelia, daughter of James Lay, Esq., of 44, Poultry, Solicitor.

JAMES—OVERTON—On Oct. 6, Henry Vale James, Esq., Surgeon, son of Henry James, Esq., Solicitor, of Leominster, to Maria Dorothea, daughter of John Overton, Esq., Surgeon, of Coventry.

JOHNSTON—LUCK—On Oct. 16, Thomas Johnston, Esq., of Raymond-buildings, Gray's-inn, to Mary Bridget, daughter of E. T. Luck, Esq., of The Hermitage, West Malling.

LAWRENCE—SMART—On Oct. 15, John Compton Lawrence,

Esq., of Dunsby Hall, in the county of Lincoln, Barrister-at-Law, to Charlotte Gerorgiana, daughter of Major Smart, of Tumby Lawn, in the same county.

DEATHS.

BURT—On Oct. 15, Ann Rebecca, relict of Augustus Henry Burt, Esq., Solicitor, formerly of Essex-street, Strand, aged 57.

COPPINGER—On Oct. 13, at Dublin, aged nine years and seven months, Josephine, daughter of the late Stephen Coppinger, Esq., Barrister-at-law.

LEONARD—On Oct. 10, Bobert Leonard, Esq., jun., Solicitor, Bristol, aged 44.

REVEL—On Oct. 10, at Turin, Emily, Widow of Count Adrien Thaon de Revel, Sardinian Minister at the Court of Vienna, and daughter of the late Basil Montagu, Esq., Q.C.

ROBINSON—On Oct. 14, at The Terrace, Settle, Yorkshire, Elspet, wife of Henry Robinson, Esq., Solicitor, aged 44.

SHEE—On Oct. 11, aged 45, Mary, wife of William Shee, Esq., one of her Majesty's Serjeants-at-Law.

TALBOT—On Oct. 9, Frederic Talbot, Esq., of Bedford-row, and John-street, in the 66th year of his age.

London Gazettes.

Windings-up of Joint Stock Companies.

TUESDAY, Oct. 15, 1861.

LIMITED IN BANKRUPTCY.

DISTRICT SAVINGS' BANK (LIMITED).—Order to wind-up. Oct. 10.

FRIDAY, Oct. 18, 1861.

LIMITED IN BANKRUPTCY.

CRYSTAL PALACE PRINTING AND PUBLISHING COMPANY (LIMITED).—Petition for winding-up presented Oct. 16, will be heard before Com. Fonblanque, on Oct. 30.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Oct. 15, 1861.

BOYS, JOHN, Margate, Kent, Esq., formerly a Solicitor. Nov. 26. Sols. J. & J. H. Linklater & Hackwood, 7, Walbrook, London.

LOWTHER, ANN, 7, South-street, Brompton, Middlesex, Widow. Jan. 3. Sol. E. Rye, 16, Golden-square, Westminster.

MORLEY, THOMAS, Barking-side, Essex, Jobber. Dec. 11. Sol. G. Brady, 5, Mitre-court, Fleet-street, London, or Barking, Essex.

STRELLEY, RICHARD (and not Shelley, as advertised in *Gazette* of Oct. 8), Nottingham, Butcher. Oct. 30. Sol. J. T. Brewster, Nottingham.

SYKES, JAMES, Delph-street, Halifax, Yorkshire, late Manager of the Halifax Weighing Machine, and General Dealer. Dec. 16. Sols. Robson & Suter, 16, George-street, Halifax.

FRIDAY, Oct. 18, 1861.

BAILDON, WILLIAM, St. Paul, Deptford, Kent, Surgeon. Nov. 30. Sol. W. Kinsey, 9, Bloomsbury-place, London.

COLYER, MARY, Bolsover, Derbyshire. Dec. 1. Sols. Hoole & Yeomans, Meeting House-lane, Sheffield.

COOK, WILLIAM, Kensington, Liverpool, Gent. Dec. 1. Sol. J. B. Lloyd, 54, Castle-street, Liverpool.

FREEMAN, JOHN, Framsden, Suffolk, Farmer. Nov. 30. Sol. C. Steward, Musenm-street, Ipswich.

GILL, THOMAS, Burley, near Otley, York, Esq. Dec. 14. Sols. Wells & Ridehalgh, Bradford.

GILL, WILLIAM, Burley, near Otley, York, Esq. Dec. 14. Sols. Wells & Ridehalgh, Bradford.

HIGGINBOTHAM, JOSEPH, 21, Delamere-street, Ashton-under-Lyne, Attorney-at-law and Solicitor. Jan. 31. Sols. Darnton & Greaves, 85, Old street, Ashton-under-Lyne.

JONES, DAVID, 33, Sherborne-street, New North-road, Middlesex. Dec. 17. Sol. Broughton, 48, Finsbury-square.

JONES, ELIZA, Bedford-place, Old Kent-road, Surrey, Spinster. Dec. 17. Sol. F. Broughton, 48, Finsbury-square.

LEES, THOMAS, Beachfield, Birkdale-park, Southport, Lancaster, Gent. Dec. 10. Sols. J. B. & E. Whitworth, 2, St. James's-square, Manchester.

OAKES, ANN, Bridgnorth, Salop, Spinster. Dec. 1. Sols. Potts, Gordon, & Nicholls, Bridgnorth, Salop.

PONSONBY, Right Hon. WILLIAM Baron, Imokilly, Cork, and lately residing at Rostach, near Tegernsey, Bavaria. Nov. 20. Sols. Walker, Grant, & Martineau, 13, King's-road, Gray's-inn, Middlesex.

RUSSELL, JOHN, Marton, Warwickshire, Gent. Nov. 19. Sol. W. Russell, Leamington Priors.

SCOTT, JOHN, Clinton-place, Sheffield, Book-keeper. Dec. 1. Sols. Hoole & Yeomans, Meeting House-lane, Sheffield.

TURNER, WILLIAM, Slatter-Farm, Billingshurst, Sussex, Farmer. Nov. 30. Sol. Mant, Storrington.

Assignments for Benefit of Creditors.

TUESDAY, Oct. 15, 1861.

ALLDER, EDWARD LOUIS, Chertsey, Surrey, Draper. Sept. 26. Sols. Sole, Turner, & Turner, 68, Aldermanbury, London.

BROWN, THOMAS, St. Helen's, Lancashire, Clogger, and Boot and Shoe Maker. Oct. 5. Sol. H. G. Taylor, St. Helen's.

EDDE, JOHN, Alexandria, Egypt, Merchant. Oct. 4. Sols. Ashurst, Son, & Morris, 6, Old Jewry, London.

ETHERIDGE, THOMAS, Bristol, Brewer. Sept. 19. Sol. C. Bevan Bristol.

FRAYER, JAMES, Wincanton, Somersetshire, Common Brewer. Sept. 28. Sol. Y. Cooper, Wincanton,

GUMBRELL, HENRY, Cranley, Surrey, Shopkeeper. Sept. 19. Sol. T. A. Curtis, Guildford, Surrey.

PENNY, JOHN, Southwold, Suffolk, Butcher. Oct. 12. Sol. J. R. Gooding, Southwold.

PHIPPS, JAMES, Cheltenham, Gloucestershire, Linen Draper. Sept. 16. Sols. Sole, Turner, & Turner, 68, Aldermanbury, London, agents for A. Henderson, Bristol.

SPINDLOE, JOSEPH, Kingston, Ashbury, Berks, Miller. Sept. 28. Sol. C. J. Barnes, Lambourne, Berks.

WILLIAMS, HENRY, Bedminster Parade, Bristol, Chandler and Grocer. Sept. 16. Sols. Brittan & Son, Albion Chambers, Bristol.

FRIDAY, Oct. 18, 1861.

BENNETT, WILLIAM, Bishopsteightnon, Devonshire, Limeburner. Sept. 30. Sol. R. W. Templar, Fore-street, West Teignmouth, Devonshire.

CURTIS, ALFRED, Romsey, Hants, Mop, Yarn, and Whiting Manufacturer. Sept. 23. Sol. T. Waters, Winchester.

EALEY, JOHN JOSEPH, Brightlingsea, Essex, Shopkeeper. Sept. 21. Sol. F. Bloomfield, Philbrick, Colchester.

LEATHER, AMOS, Huddersfield, Manufacturer. Oct. 16. Sol. J. Sykes, Market Walk, Huddersfield.

LEVICK, WILLIAM, and FREDERICK POTZER, Nottingham, Stone Masons. Sept. 25. Sol. S. Doubleday, Low-pavement, Nottingham, Conveyancer

Bankrupts.

TUESDAY, Oct. 15, 1861.

CURTIS, WILLIAM, Great Berkhampstead, Hertfordshire, Rag and Woollen Cutter and Puller. Pet. Oct. 14. Registrar, Abrahall: first meeting, Oct. 28, at 12; Basinghall-street. Off. Ass. Bell. Sols. Rhodes, Sons, & Duffet, 63, Chancery-lane.

EUSDEN, JOHN, Broad-street, Ely, Cambridgeshire, Builder and Hatter. Pet. Oct. 14. Registrar, Higgins: first meeting, Oct. 28 at 12; Basinghall-street. Off. Ass. Cannan. Sol. C. Richardson, 15, Old Jewry-chambers.

HADLEY, GEORGE, Birmingham, Wholesale and Retail Fruiterer. Pet. Oct. 2. Com. Sanders: Oct. 28 and Nov. 18 at 11; Birmingham. Off. Ass. Whitmore. Sols. C. Pemberton, Liverpool, or J. Smith, Birmingham.

HESKETH, THOMAS PEARSON, 3, Newman's-row, Lincoln's-inn-fields, Middlesex. Pet. Oct. 12. Registrar, Abrahall: first meeting, Oct. 26 at 1; Basinghall-street. Off. Ass. Bell. Sol. Badham, 37, New Bridge-street.

HICKS, ROBERT, 47, Mortimer-street, Cavendish-square, Middlesex, and 13, Simes-villas, Lewisham, Kent, House and Estate Agent and Surveyor. Pet. Oct. 12. Registrar, Winslow: first meeting, Oct. 26 at 11; Basinghall-street. Off. Ass. Pennell. Sols. Lawrance, Plews, & Boyer, 14, Old Jewry-chambers, London.

HIRST, WILLIAM, Golcac, Huddersfield, Yorkshire, Woollen Manufacturer. Pet. Oct. 7. Com. Ayrton: Oct. 25 and Nov. 25, at 11; Leeds. Off. Ass. Hope. Sols. Jessop & Drake, Huddersfield, or Bond & Barwick, Leeds.

INGRAM, THOMAS, late of 2, Tower Royal, London, but now of 46, Gloucester-street, Pimlico, Middlesex, Merchant and Commission Agent. Pet. Oct. 12. Registrar, Higgins: first meeting, Oct. 26 at 12; Basinghall-street. Off. Ass. Cannan. Sols. Linklaters & Haskwood, 7, Walbrook, London.

JENKINS, EDWARD, Stroud, Gloucestershire, Outfitter. Pet. Oct. 12. Com. Hill: Oct. 28 at 11; Bristol. Off. Ass. Miller. Sols. Bevan, Gosling, & Press, Bristol.

LARGE, WILLIAM, Tunstall, Staffordshire, Grocer and Tea Dealer. Pet. Sept. 27. Com. Sanders: Oct. 28 and Nov. 18 at 11; Birmingham. Off. Ass. Whitmore. Sols. Lawrence, Smith, & Fawdon, 12, Bread-street, London, or James & Knight, Birmingham.

MASON, JAMES, Ware, Hertfordshire, Malster. Pet. Oct. 12. Registrar, Winslow: first meeting, Oct. 26 at 12; Basinghall-street. Off. Ass. Pennell. Sol. G. B. Batchelor, 1, Guildhall-chambers, Basinghall-street, London.

NICHOLSON, EDWARD, 28, Cornhill, London, Stock and Share Broker. Pet. Oct. 4. Com. Fane: Oct. 25 at 12, and Nov. 22 at 1; Basinghall-street. Off. Ass. Cannan. Sols. Greville & Tucker, 28, St. Swithin's-lane.

ORMOND, FRANCIS, Ouston, Leicestershire, Cattle Jobber. Pet. Oct. 10. Com. Sanders: Oct. 31 and Nov. 28 at 11; Nottingham. Off. Ass. Harris. Sol. S. Maples, Nottingham.

PARTRIDGE, FREDERICK ROBERT, & HENRY EDWARDS, King's Lynn, Norfolk, Attorneys and Solicitors (Goodwin, Partridge, & Edwards). Pet. Oct. 14. Registrar, Winslow: first meeting, Nov. 1 at 12: Basinghall-street. Off. Ass. Pennell. Sols. J. & J. H. Linklater & Hackwood, 7, Walbrook, London.

ULLMANN, JOSEPH, 10, Great Russell-street, Bloomsbury, Middlesex, and 4, Walbrook, London, Merchant. Pet. Oct. 12. Registrar, Abrahall: first meeting, Oct. 26 at 12; Basinghall-street. Off. Ass. Johnson. Sols. Linklaters & Hackwood, Walbrook, London.

FRIDAY, Oct. 18, 1861.

ALABASTER, HENRY, Stratford New Town, Essex, Baker. Pet. Oct. 8. Com. Fane: Nov. 1 at 1.30, and Nov. 29 at 11; Basinghall-street. Off. Ass. Whitmore. Sols. Lawrence, Plews, & Boyer, 14, Old Jewry-chambers.

ALLAN, JOHN, Durham, Iron and Steel Merchant and Grease Manufacturer. Pet. Oct. 10. Com. Ellison: Oct. 29 at 11, and Nov. 20 at 12; Newcastle-upon-Tyne. Off. Ass. Baker. Sol. W. Brignal, Durham, or Hartley, 14, Gray's-inn-square, London.

ARMSTRONG, WILLIAM, 42, Eastcheap, London, Dealer in Colonial Produce. Pet. Oct. 12. Registrar, Abrahall: first meeting, Oct. 26 at 2; Basinghall-street. Off. Ass. Johnson. Sol. J. Rae, 9, Mincing-lane.

ASTLES, FREDERICK WILLIAM, Smethwick, Staffordshire, Schoolmaster and Agent. Pet. Oct. 14. Registrar, Waterfield: first meeting, Oct. 28 at 11; Birmingham. Off. Ass. Whitmore. Sols. James & Knight, Birmingham.

BLACK, ANDREW, 1, Melbourn-place, Cambridge-road, Bethnal-green, Middlesex, carrying on business there as a Dry Fishmonger, under the name of John Stewart, and having a workshop at No. 9, Helmet-row, Old-street, Middlesex, Carpenter and Dry Fishmonger. Pet. Oct. 16. Registrar, Haslitt: first meeting, Oct. 30 at 12.30; Basinghall-street. Off. Ass. Graham. Sol. W. W. Eaden, 9, Gray's Inn-square, London.

BURHOUSE, SIDNEY, Brown Mill, Meltham, Yorkshire, Yarn Spinner and Manufacturer. Pet. Oct. 16. Registrar, Wilde: first meeting, Oct. 31 at 11; Leeds. Off. Ass. Hope. Sols. Heap & Owen, Huddersfield, or Bond & Barwick, Leeds.

Bonney, James, Aldershot, Hants, Corn and Coal Dealer. Pet. Oct. 16. Registrar, Hazlitt: first meeting, Oct. 30 at 12; Basinghall-street. Off. Ass. Stansfeld. Sol. J. F. Emslie, 10, Lombard-street, London.

Clarke, Owen, 1, Lindsay-cottages, Lower-road, Islington, Middlesex, Printer and Publisher, carrying on business at 107, Dorset-place, Fleet-street, London. Pet. Oct. 15. Registrar, Higgins: first meeting, Oct. 29 at 11; Basinghall street. Off. Ass. Cannan. Sols. Treherne & Wolferstan, 17, Gresham-street.

Cooper, William, 10, Essex-street, Forest-gate, Essex, formerly of the Lion and Lamb Inn, Brentwood, Essex, Licensed Victualler. Pet. Oct. 14. Registrar, Winslow: first meeting, Oct. 31 at 2; Basinghall-street. Off. Ass. Pennell. Sol. W. R. Preston, 15, Broad-street-buildings London.

Coppan, Robert, 9, Lyon-street, Caledonian-road, previously of 3, Hornsey-road, Middlesex, Grocer, Tea Dealer, & Cheesemonger. Pet. Oct. 15. Registrar, Abrahall: first meeting, Oct. 29 at 12; Basinghall-street. Off. Ass. Bell. Sol. T. Heard, 10, Basinghall-street.

Davis, Isaac Noah, Brentford Distillery, Brentford, Middlesex, Distiller. Pet. Oct. 7. Com. Evans: Oct. 30 at 12, and Nov. 28 at 1, instead of Nov. 15, as already advertised; Basinghall-street. Off. Ass. Bell. Sol. Nicholson, Lime-street.

Deakins, Francis Henry, Feathers Hotel, Ledbury, Herefordshire, Licensed Victualler. Pet. Oct. 14. Registrar, Waterfield: first meeting, Oct. 28 at 11; Birmingham. Off. Ass. Kinnear. Sols. East & Parry, Birmingham.

Dedman, William, 2, Three Colt-lane, Cambridge-road, Middlesex, Baker. Pet. Oct. 17. Registrar, Higgins: first meeting, Oct, 31 at 1; Basinghall-street. Off. Ass. Cannan. Sol. W. H. Waller, 2, Duke-street, Adelphi.

Dixon, William, 1, Old Gravel-lane, St. George's in the East, Middlesex, Builder. Pet. Oct. 15. Registrar, Winslow: first meeting, Oct. 29 at 3; Basinghall-street. Off. Ass. Pennell. Sols. Brown & Goodwin, 21, Finsbury-place, London.

Doe, William Edward, 99, Raynor-street, Goswell-street, Clerkenwell, Middlesex, and 42, Great, James-street, Bedford-row, Holborn, Middlesex, Architect and House and Estate Agent. Pet. Oct. 12. Registrar, Abrahall: first meeting, Oct. 29, at 11; Basinghall-street. Off. Ass. Johnson. Sol. Buchanan, 13, Basinghall-street.

Evennett, James, Corn Dealer, High-street, Poplar, Middlesex. Pet. Oct. 11. Registrar, Higgins: first meeting, Oct. 29 at 1; Basinghall-street. Off. Ass. Whitmore. Sol. Hall, 1a, Basinghall-street.

Finlay, John, Grocer and Cheesemonger, 47, Henry-street, Portland-town, Middlesex. Pet. Oct. 17. Registrar, Hazlitt: first meeting, Oct. 31 at 12; Basinghall-street. Off. Ass. Stansfeld. Sols. Stevens & King, 4, Gray's-inn-square, London.

Gibson, Nicholas William, Ship and Insurance Broker, 4, Austin-friars, London. Pet. Oct. 16. Registrar, Miller: first meeting, Oct, 30 at 11; Basinghall-street. Off. Ass. Edwards. Sols. Gibbs & Tucker, 17, Cement's-lane, London.

Glass, George Michael, Sen., Brandon-street, Walworth, Surrey, Chemist, and Gelatine Manufacturer. Pet. Oct. 15. Registrar, Abrahall; first meeting, Oct. 29 at 1.30; Basinghall-street. Off. Ass. Bell. Sol. Wells, 47, Moorgate-street.

Goodchild, Joseph, 239, High-street, Shoreditch, Middlesex, Ham and Beef Dealer. Pet. Oct. 16. Registrar, Abrahall: first meeting, Oct. 30 at 11; Basinghall-street. Off. Ass. Johnson. Sol. Beard, 10, Basinghall-street.

Gormley, William, Portugal-street, Oldham-road, Manchester, Screw, Bolt, and Nail Manufacturer. Pet. Oct. 14. Registrar, Simons: first meeting, Oct. 30 at 12; Manchester. Off. Ass. Pott. Sols. Slater & Myers, Fountain-street, Manchester.

Green, Charles, 185, Western-road, Brighton, Gas-fitter. Pet. Oct. 12. Registrar, Higgins: first meeting, Oct. 28 at 1; Basinghall-street. Off. Ass. Whitmore. Sols. Harrison & Lewis, 6, Old Jewry, London.

Griffiths, Thomas, Grocer, 50, Lower Rosoman-street, Clerkenwell, Middlesex, also carrying on business at 125, Golden-lane, St. Luke's, Middlesex, Grocer, Cheesemonger, and Chandler. Pet. Oct. 16. Registrar, Higgins: first meeting, Oct. 30 at 11; Basinghall-street. Off. Ass. Cannan. Sol. Harcourt, 2, King's Arms-yard, Coleman-street.

Hannibal, Alfred, Boot Maker, 35, Great Portland-street, Middlesex. Pet. Oct. 16. Registrar, Abrahall: first meeting, Nov. 2 at 11; Basinghall-street, Off. Ass. Bell. Sol. Stopher, 36, Coleman-street.

Hornby, James, Watch Manufacturer, Liverpool. Pet. Oct. 16. Registrar, Lee: first meeting, Oct. 30 at 11: Liverpool. Off. Ass. Morgan. Sols. Holt & Rowe, 2, Chapel-walk, South Castle-street, Liverpool.

Ingram, James George, 198, Tottenham-court-road, Middlesex, Woollen Draper (Nesbitt & Co.) Pet. Oct. 14. Registrar, Higgins: first meeting, Nov. 7 at 11; Basinghall-street. Off. Ass. Whitmore. Sols. Linklaters & Hackwood, 7, Walbrook.

Jallous, George James, 335, Strand, Middlesex, Manager to a Printer, and late of 27, Chichester-place, Gray's-inn-road, Middlesex, Printer. Pet. Oct. 17. Registrar, Miller: first meeting, Oct. 31 at 11; Basinghall-street. Off. Ass. Edwards. Sol. C. Harcourt, 2, King's arms-yard, Mortgate-street, London.

Jury, George, & Frederick Jury, Maidstone, Kent, Tailors and Undertakers (Jury & Son). Pet. Oct. 18. Registrar, Abrahall: first meeting, Nov. 1 at 2; Basinghall-street. Off. Ass. Bell. Sols. Lawrance, Plews, & Boyer, Old Jewry-Chambers, London.

Kelley, Jonathan. Birmingham, Coke Merchant and Railway Carriage Builder. Pet. Oct. 16. Registrar, Waterfield: first meeting, Oct. 30 at 11; Birmingham. Off. Ass. Whitmore. Sols. James & Knight, Birmingham.

Leaver, Joseph Christopher, 2, Briar-villas, Shepherd's-bush, Middlesex, Shipbroker and Shipowner. Pet. Oct. 15. Registrar, Abrahall: first meeting, Oct. 29 at 2: Basinghall-street. Off. Ass. Johnson. Sols. Leakey, Chapman, & Clarke, 24, Lincoln's-inn-fields.

Lockwood, John, Stowmarket, Suffolk, Innkeeper. Pet. Oct. 1. Com. Goulburn: Oct. 30 and Nov. 27 at 1; Basinghall-street. Off. Ass. Pennell. Sols. Creo & Last, 13, Gray's-inn-square, London.

Lovegrove, Joseph, Newton House, Vicarage-place, Kensington, Middlesex, Surgeon. Pet. Oct. 15. Registrar, Higgins: first meeting, Oct. 29 at 12; Basinghall-street. Off. Ass. Whitmore. Sol. W. Philp, 26, Bucklersbury.

McNamara, Edward Kingett, Pavilion Hotel, North Woolwich, Kent, Hotel Keeper. Pet. Oct. 16. Registrar, Winslow: first meeting, Nov. 8 at 11; Basinghall-street. Off. Ass. Pennell. Sol. T. Beard, 10, Basinghall-street, London.

Meltrope, James, 3, Clarence-terrace, Wandsworth-road, Surrey, formerly of 1, Victoria-road, Islington, Middlesex, Flour Factor. Pet. Oct. 17. Registrar, Abrahall: first meeting, Oct. 31 at 11; Basinghall-street. Off. Ass. Johnson. Sol. Holt, 36, Bucklersbury.

Preston, James, formerly of the Kingsland-gate Bazaar, Kingsland-road, Middlesex, Tobacconist, and Road Director of the London General Omnibus Company (Limited). Pet. Oct. 16. Registrar, Miller: first meeting, Oct. 30 at 1; Basinghall-street. Off. Ass. Edwards. Sol. H. Pook, 27, Basinghall-street, London.

Reynolds, Thomas, 42, Henry-street, Pentonville, Middlesex, Hosier and Shirt Maker. Pet. Oct. 15. Registrar, Winslow: first meeting, Oct. 29 at 2; Basinghall-street. Off. Ass. Pennell. Sol. W. R. Buchanan, 13, Basinghall-street,

Rigby, Edward Bevan, & Enoch Erasmus Holden, Widnes, Lancashire, Commission Agents. Pet. Oct. 16. Registrar, Brougham: first meeting, Oct. 30 at 12; Liverpool. Off. Ass. Bird. Sols. Evans & Co., Liverpool, or T. Haddock, St. Helens.

Saysell, John Darby, 11, Blundell-street, Caledonian-road, Islington, Middlesex, Draper. Pet. Oct. 15. Registrar, Higgins: first meeting, Nov. 6 at 12; Basinghall-street. Off. Ass. Cannan. Sols. Bennett & Paul, 1, Size-lane.

Silverthorne, John, Gillingham, Dorset, Corn Dealer. Pet. Oct. 4. Com. Evans: Oct. 28 at 11, and Nov. 28 at 12; Basinghall-street. Off. Ass. Bell. Sols. Flux & Argles, 9, Mincing-lane, London; or H. W. Dickinson, Poole, Dorset.

Smith, William Taylor, & Wade Hampton Smith, Sedgley, Mine Drainers. Pet. Oct. 14. Registrar, Waterfield: first meeting, Oct. 28 at 11; Birmingham. Off. Ass. Kinnear. Sols. Hodgson & Allen, Birmingham.

Spilsbury, Henry, Birmingham, Licensed Victualler. Pet. Oct. 16. Registrar, Waterfield: first meeting, Oct. 30 at 11; Birmingham. Off. Ass. Kinnear. Sols. East & Parry, 45, Ann-street, Birmingham.

Steadman, Robert, 2, King-street, Finsbury-square, Middlesex, and Manchester, Hull, and Bradford, Boot and Shoe Warehouseman. Pet. Oct. 18. Registrar, Hazlitt: first meeting, Nov. 1 at 3; Basinghall-street. Off. Ass. Graham. Sols. Lawrance, Plews, & Boyer, 14, Old Jewry-chambers, London.

Stearer, Henry Caton, 24, Lambeth-walk, Surrey, Cheesemonger. Pet. Oct. 12. Registrar, Higgins: Oct. 28 at 11; Basinghall-street. Off. Ass. Whitmore. Sol. W. R. Preston, 15, Broad-street-buildings, London.

Taylor, Thomas, Hanlith, Kirkby Malhamdale, Yorkshire, Farmer and Dealer in Cattle. Pet. Oct. 15 Registrar, Payne: first meeting, Oct. 29 at 11; Leeds. Off. Ass. Young. Sol. Robinson, Settle; or Benjamin Cariss, Leeds.

Welling, William, 6, Clipstone-street, Fitzroy-square, Middlesex, Oilman. Pet. Oct. 15. Registrar, Abrahall: first meeting, Oct. 29 at 1; Basinghall-street. Off. Ass. Johnson. Sol. Wells, 47, Moorgate-street.

Weston, Henry, Eastwood, Nottinghamshire, Dealer in Small Wares and Millinery. Pet. Oct. 15. Registrar, Waterfield: first meeting, Oct. 29 at 11; Nottingham. Off. Ass. Harris. Sol. J. Ashwell, Middle Pavement, Nottingham.

Worman, Elizabeth Willard, 129, Sloane-street, Middlesex, also late of Erith, but now of Old Charlton, Kent, Widow. Pet. Oct. 14. Registrar, Higgins: first meeting, Oct. 28 at 11; Basinghall-street. Off. Ass. Cannan. Sols. Linklaters & Hackwood, 7, Walbrook.

Wright, Richard, Hunters-lane, Birmingham, Polisher and Greengrocer Pet. Oct. 14. Registrar, Wilson: first meeting, Oct. 29 at 12; Birmingham. Off. Ass. Kinnear. Sols. East & Parry, Birmingham.

BANKRUPTCY ANNULLED.

FRIDAY, Oct. 18, 1861.

Bradbury, Asa, Old Church-lane Mill, Oldham, Lancashire, Cotton Spinner and Doubler. Oct. 15.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Oct. 15, 1861.

George Harris, Woking, Surrey, Tailor. Oct. 26 at 11; Basinghall-street.—**William Smith and William Francis Patient**, Bermondsey New-road, Surrey, Tanners and Leather Merchants (Smith, Patient, & Smith). Oct. 25 at 11; Basinghall-street,—**William Nathan Sykes Cope**, 49, Wellington-street, Goswell-street, Middlesex, and Pelham-street, Nottingham, Wholesale Tobacconist and Cigar Merchant. Oct. 29 at 11; Nottingham.—**John Greenwood**, Sheffield, Stone Sawyer and Stone Dealer. Oct. 26 at 10; Sheffield.—**Joseph Hollings**, 42, Charles-street, Hampstead-road, Middlesex, Cowkeeper, Carman, and Contractor. Nov. 5 at 11.30; Basinghall-street.—**William Levett**, 89, Union-sereet, Southwark, and 79, Blackfriars-road, Surrey, Patent Wadding Manufacturer. Nov. 7 at 12; Basinghall street.—**Mary Ann Pilon Jones**, Widow, 2, Buckingham-street, Strand, Middlesex, Licenced Victualler. Nov. 7 at 11; Basinghall-street.—**Joseph Moss**, 149, Hounsditch, London, Wholesale Clothier. Nov. 7 at 11.30; Basinghall-street.—**Patrick Brown**, 3, Paddington-green, and 7, Westplace, Islington-green, Middlesex, Lead and Glass Merchant. Nov. 7 at 11; Basinghall-street.—**Albert Arndt**, 3, Tudor-street, Blackfriars, London, Drysalter and Colourman. Nov. 7 at 11.30; Basinghall-street. **John King Westrop**, Staining-lane, London, Glove Manufacturer and General Commission Agent. Nov. 7 at 12; Basinghall-street.—**Nathan Mitchell**, Leeds, Cloth Manufacturer. Nov. 12 at 11; Leeds.—**Robert Jerram**, Nottingham, and Lambley, Nottinghamshire, Innkeeper and Cattle Dealer. Nov. 12 at 11; Nottingham.

FRIDAY, Oct. 18, 1861.

James Nichol & Robert Frazier North, 27, Bishopsgate-street Within, London, Tallow Brokers (Nicholl & North). Oct. 29 at 12; Basinghall-street.—**William Sword**, Dewsbury, York, Draper. Nov. 1 at 11; Leeds.—**William Barnes & Samuel Pickering**, 83, Grace-church-street, London, late of 127, Brick-lane, Bethnal Green, Middlesex, Wholesale Boot & Shoe Manufacturers. Nov. 14 at 11; Basinghall-street.—**Thomas Burgin & William Burgin**, 26, Great Winchester-street, London, Upholsterers and Cabinet Makers (Burgin Brothers). Nov. 8 at 11; Basinghall-street. Joint estate, and separate estate of each.—**John Blackwood Wilson**, 22, John-street, Penton-street, Pentonville, Middlesex, Draper and Hawker. Nov. 8 at 11; Basinghall-street.—**William Adam**, 34, Great Tower-street, Merchant, and also of Lloyd's, Underwriter, London. Nov. 8 at 11; Basinghall-street.—**George Ames**, Sible, Hedingham, Essex, Cattle and Sheep Salesman. Nov. 14 at 11.30; Basinghall-street.—**George Patrick Rooney**, Liverpool, Licensed Victualler and Builder. Nov. 6 at 11; Liverpool.

LAW STUDENTS' DEBATING SOCIETY,
AT THE LAW INSTITUTION, CHANCERY LANE.

Members are requested to supply the Committee with Questions for Discussion.

QUESTIONS FOR DISCUSSION.

For Tuesday, October 29th, 1861. President—Mr. BRADFORD.

278.—Should the decision of the Court of Exchequer Chamber, that an action for malicious prosecution will not lie under the circumstances of the case of Fitzjohn *v.* Mackinder, 9 W. R. 477, s. c. on appeal, 30 L. J. C. P. 257, be upheld?

Affirmative—Mr. ALLEN and Mr. LUCAS.
Negative—Mr. PEACHEY and Mr. NEWBON.

For Tuesday, November 5th, 1861. President—Mr. HEWITT.

XCIX.—Should recent foreign events be considered as strengthening the position of Conservatism?

Mr. DOWSE is appointed to open the debate, and Messieurs ANDERSON, A. H. MILLER, and BELLAMY to speak on the question.

For Tuesday, November 12th, 1861. President—Mr. WINGATE.

279.—Will a parol license when executed pass an incorporeal hereditament as if granted by deed?

Winter *v.* Brockwell, 8 East 308; Taylor *v.* Waters, 7 Taunt. 373; Hewlins *v.* Shippam, 5 B. & C. 221; Liggins *v.* Inge, 7 Bing. 682; Cocker *v.* Cowper, 1 C. M. & R. 418.

Affirmative—Mr. EYLES and Mr. BEAL.
Negative—Mr. RIDDLE and Mr. OLIVER.

For Tuesday, November 19th, 1861. President—Mr. GREEN.

280.—Ought the decision in Wild *v.* Harris, 18 L. J. N. S. C. P. 297, that a married man may be sued for breach of promise of marriage to a female, who, at the time of making the contract with him, was ignorant of his being married, to be upheld?

Cooper *v.* Witham, 1 Sid. 375, 2 Keb. 399; Liverpool Association *v.* Fairhurst and Wife, 18 Jur. 191.

Affirmative—Mr. POWELL and Mr. ATWOOD.
Negative—Mr. ROOKS and Mr. SHERRING.

For Tuesday, November 26th, 1861. President—Mr. PEACHEY.

C.—Is it desirable to establish a Legal University, exercising the powers of the Inns of Court and the Incorporated Law Society?

Mr. WALTERS is appointed to open the debate, and Messieurs SPENCER, BAKER, and GILL, to speak on the question.

THE CHAIR WILL BE TAKEN AT SEVEN O'CLOCK.

Gentlemen requiring Books from the Library are requested to apply for them in the Arbitration Room five minutes before Seven o'clock on the Evenings of Debate.

Copies of the Rules and all requisite information will be furnished by the Secretary, with whom Gentlemen desirous of becoming Members are requested to communicate.

ENTRANCE FEE, 10s. ANNUAL SUBSCRIPTION, 5s.

GEO. L. WINGATE, Secretary,
9, Copthall-court, E.C.

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SPECIAL BONUS NOTICE.

Third Septennial Investigation and Division of Profits to 1st July, 1861.

The cash bonus varies from £21 6s. 8d. to £32 6s. 8d. per cent. on the premiums paid in the last seven years on policies of 7, 14 and 21 years' duration.

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Age	Without profits.	With profits.	Age	Without Profits.	With profits.
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
25	1 19 8	2 6 4	45	3 12 8	4 1 8
30	2 5 8	2 12 10	50	4 7 8	4 18 8
35	2 12 6	3 0 2	55	5 6 6	5 19 10
40	3 1 2	3 8 10	60	6 10 0	7 6 2

A medical officer in attendance daily, at half-past 12 o'clock.

ON 5TH DECEMBER

The Scheme will be closed for the current year. Entrants to the Profit Class will be entitled to a FULL YEAR'S BONUS *more than later Entrants.*

THOS. FRASER, Resident Secretary.

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UNITED KINGDOM LIFE ASSURANCE COMPANY,
No. 8, WATERLOO PLACE, PALL MALL, LONDON, S.W.

The Hon. FRANCIS SCOTT, CHAIRMAN.
CHARLES BERWICK CURTIS, Esq., DEPUTY CHAIRMAN.

Fourth Division of Profits.

SPECIAL NOTICE.—Parties desirous of participating in the fourth division of profits to be declared on policies effected prior to the 31st of December, 1861, should make immediate application. There have already been three divisions of profits, and the bonuses divided have averaged nearly 2 per cent. per annum on the sums assured, or from 30 to 100 per cent. on the premiums paid, without the risk of co-partnership.

To show more clearly what these bonuses amount to, the three following cases are given as examples:

Sum Insured.	Bonuses added.	Amount payable up to Dec., 1854.
£5,000	£1,987 10	£6,987 10
1,000	379 10	1,397 10
100	39 15	139 15

Notwithstanding these large additions, the premiums are on the lowest scale compatible with security; in addition to which advantages, one-half of the premiums may, if desired, for the term of five years, remain unpaid at 5 per cent. interest, without security or deposit of the policy.

The assets of the Company at the 31st December, 1860, amounted to £730,665 7s. 10d., all of which had been invested in Government and other approved securities.

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We cannot notice any communication unless accompanied by the name and address of the writer.

*** Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.*

THE SOLICITORS' JOURNAL.

LONDON, OCTOBER 26, 1861.

CURRENT TOPICS.

Considering how often British juries are told that they are the Palladium of British liberty and the glory of the constitution, they must be rather surprised now and then at the speeches which fall from the minor judicial bench—by which we mean such functionaries as recorders and commissioners at the Old Bailey. The present week furnishes two instances in point, one of which certainly ought not to be overlooked. On Tuesday last a case came before Mr. Kerr, the judge of the city Sheriffs' Court, and who in that capacity is named a commissioner of the Central Criminal Court. The facts were very simple. A young man named Hayes, who was shooting birds in the fields adjoining the London and Brighton Railway line, near Rotherhithe, fired in the direction of a train, and wounded an engine-driver in the face—fortunately, without doing him any serious harm. There could be little doubt that the injury was the result of carelessness, and not of any intention on the prisoner's part. When these facts were proved to the jury, Mr. Kerr expressed an opinion that the case ought not to be proceeded with, because it was manifest that the casualty was the result of accident. Counsel for the prosecution, however, was desirous of "having the opinion of the jury upon it;" upon which slender provocation Mr. Kerr thinks himself justified in casting a universal slur upon English jurymen. We quote from the report:—

"Mr. Commissioner KERR: A British jury can do anything.

"Mr. *Sleigh* insisted that the case should be proceeded with."

Then arose between the counsel and the judge a curious discussion as to whether the act of the prisoner was criminal or not: the former maintaining that if the prisoner had killed a man under the circumstances the act would amount to the crime of manslaughter; the latter insisting that it would not, as it was clearly an accident. For the conclusion of this interesting case we cannot do better than refer to the report in the morning journals, which is as follows:—

After some further discussion between the learned counsel and the court,

Mr. Commissioner KERR told the jury that they had already heard his opinion on the matter, and he should give them no directions, but they might deal with the case as they liked.

Mr. *Sleigh*, suggested to the Court that it was a point for the jury that, in fact, at the time of the occurrence the prisoner was trespassing on the company's line.

Mr. Commissioner KERR.—Then bring your action for trespass.

The jury then turned round in their box, and, after a consultation of about a quarter of an hour, returned a verdict of guilty on the second count of the indictment, which charged the prisoner with a common assault.

Mr. *Sleigh* said he was instructed by the company not to press for heavy punishment, their only object being to protect the public.

Mr. Commissioner KERR remarked that he should like to know, after the great flourish he had heard as to the motives of the company, whether they meant to bear the expenses of this prosecution.

Mr. *Sleigh* replied that he had no answer to make on that point.

The learned COMMISSIONER (addressing the prisoner) said, the justice of the case would be met by fining him 20*s.*; and in the propriety of that judgment he was fortified by the opinion of the worthy alderman (Phillips) who sat by his side.

Now without at all entering upon the knotty point whether the prisoner might have been found guilty of manslaughter or not, or even considering whether the jury were warranted in their verdict, it is plain that the judge in this case, in the first place offered a gratuitous insult to the jury upon the smallest possible amount of provocation, not from them, but from the prosecuting counsel; and, in the next place, that instead of the judge offensively pitching the case at the jury without comment or explanation of the law, he was bound by his duty to inform their minds, not only by what dropped from him in his *rencontre* with the counsel, but by such a statement both of fact and law as is usual on such occasions. We presume that the act alleged against the prisoner would be clearly criminal if it could be shown that he had fired at a bird, although he knew a train was coming, and might reasonably have supposed that his doing so would involve risk to the persons in it; and this, as a question of fact, was wholly for the jury. But from the first the judge desired to stop inquiry, and ridiculed the notion of the interference of the jury. It is by no means unlikely that his conduct had an effect with the jurors the very opposite of what he intended; although we are bound to say, that in our opinion the verdict is one which commends itself to all reasonable men. We can hardly say as much, however, for the *judgment*, although the judge was "fortified by the opinion of the worthy alderman who sat by his side."

The *Times* of Tuesday last contains another account, in which one of our minor criminal judges takes a fling at "a British jury," and such is the heading of the paragraph in question. The report, however, does not enter into any details, except that a jury at Portsmouth acquitted a prisoner against clear and strong evidence, and after a "lucid" summing up of the recorder; and thereupon the report proceeds:—

"The learned Recorder, in discharging the jury, said that he should have done so with much greater satisfaction had their verdict in the last case (the case referred to) been a different one. There was another case, the learned gentleman said, for stealing lead from the dockyard, which had been postponed until the next sessions, but had that case come before him he certainly should have found it necessary to swear in a fresh jury."

We do not intend to be so unfair as to consider this case as at all identical with that at the Old Bailey. A judge has a right, no doubt, to express dissatisfaction with the conduct or the verdict of the jury, although he has no mission to prevent them from exercising their proper functions or to insult them while they are properly discharging them. We append some account of this second case, only because it turns up so close in point of time to the other, and is certainly an illustration of the growing tendency of our lower judiciary to affect the province of both judge and jury, and to forget the respect which is owing to juries, who discharge their onerous duties without fee or reward, and who are, after all—to use phrases which may be heard any day at the Old Bailey—the bulwark of our constitution and the Palladium of our liberties.

Many more injurious and terrible crimes than that for which Vincent Collucci was convicted at the Central Criminal Court on Wednesday last have, even within the last few months, been committed in this country; but few that have ever been brought under the public notice have called forth greater indignation and disgust at the conduct of the prisoner than in his case: meanness, duplicity, unmanliness, ingratitude, and some other of the lowest and basest qualities of human nature existed, without one relieving virtue, in the character of this scoundrel; and it would have been a disgrace to English law if it was so far divorced from public sentiment as to have allowed him to get free upon such evidence as was tendered at the trial. Under

these circumstances, Mr. Keane, the counsel for Collucci, undertook, in defending him, a very onerous and puzzling task. It is no wonder, then, that he pertinaciously urged a great number of legal objections of a technical character, which were at once overruled. Apart from his chances on these grounds, it was clear enough that he could make nothing upon what lawyers are in the habit of calling the merits of the case. Nevertheless, he did deliver himself of what the reporter characterizes as "a most able address to the jury on behalf of the defendant." He introduced his speech by stating that it would certainly be a "subject of regret if any person charged with a criminal offence was not permitted to lay his own answer to the charge before the jury who were called upon to decide his guilt or innocence." Mr. Keane then informed the jury that he wished them "distinctly to understand that the defence he should attempt to set up was the prisoner's own defence;" that the prisoner "positively insisted upon it being made, and that he alone was responsible for it." Now, this proceeding on the part of counsel, raises a very interesting and important question which we shall take an early opportunity of discussing in the manner in which it deserves; but, meanwhile, so far as Mr. Keane is concerned, there can hardly be any question that he ought to have been more cautious in charging upon the prisoner the entire responsibility of his speech. Indeed, in the reports of it which have appeared in the morning journals, it is not easy to draw the line between the professed assertions of the prisoner and the suggestions of counsel. Notwithstanding the extrordinary exordium of Mr. Keane, the defence of the prisoner was simply that he did not give the prosecutrix any parcel on the 3rd of August, as alleged by her, and that no bargain was ever made between him and the prosecutrix for the delivery of the letters to her; and he declared that the money was given him, not upon the condition that he should restore the prosecutrix's letters, but as a compensation to him for her refusal to marry him. All the remainder of counsel's speech, as it appears to us, is of the ordinary character, except the latter part, in which he argues upon the supposition of the truth of the prisoner's statement. It was scarcely fair, therefore, for the advocate to attempt to divest himself of the entire responsibility of his defence. But suppose it were otherwise, the question remains whether it is the duty of counsel to make themselves the mouth-piece for the statements of the prisoner, which under any circumstances, are only received by a stretch of tolerance on the part of the judge, and which ought never to influence the minds of judge or jury, except so far as they suggest the probability of a state of circumstances inconsistent with the prisoner's guilt. It is the common practice of criminal courts for counsel to suggest all these probabilities, without calling in aid any alleged assertions of the prisoner. At all events, to our minds it does not appear to be either a dignified or useful course for any counsel to present a defence which he himself in the plainest terms, repudiates, and from any imputation of the folly of which he manifests a somewhat too eager desire to be saved.

STATUTE LAW REVISION.

The general repealing Act of the last session (24 & 25 Vict. c. 101) may be regarded as an earnest of the work now in progress for the systematic revision of the statute law.

We have already more than once explained that the series of experiments in statute law reform which had been going on for years had led to the conclusion that the first object to be aimed at was the publication of a complete expurgated edition. It is unnecessary to dwell on the benefits which such an edition would confer on the public, and particularly on the practitioners and administrators of the law. Its direct utility would obviously be great; and it would, besides, furnish a starting point for a safe and comprehensive consolidation.

Expurgation would be very incomplete if it were limited to the omission of such enactments as have been expressly and specifically repealed in the ordinary course of legislation. To be satisfactory, expurgation must go much further than this; all such enactments as have in any way ceased to be in force must be discovered and eliminated.

The scrutiny of the Statute Book, as far as it has gone, seems to have shown that such enactments as have ceased to be in force, without having been expressly and specifically repealed, may be classed under six heads. The division is stated and illustrated in a note prefixed to the Statute Law Revision Bill (No. 2) introduced by the Lord Chancellor at the end of last session. The six classes comprise such enactments as are—

1. *Expired.*—That is, enactments which having been originally limited to endure only for a specified time, have not been either made permanent or kept in force by continuance:

2. *Spent.**—That is, enactments exhausted or spent in operation by the complete accomplishment of the purpose for which they were passed, at the moment of their first taking effect, or on the happening of some specified event, or on the doing of some act authorised or required; as for instance, the "Statutum de Justiciariis assignatis; quod vocatur Rageman," 4 Edw. 1, which provides for justices going throughout the land to inquire, hear, and determine all the complaints and suits for trespass committed within twenty-five years then past, before the Feast of St. Michael in the fourth year of King Edward:

3. *Repealed in general terms.*—For instance, by the repeal (5 Eliz. c. 4. s. 2), of "as much of all the estatutes heretofore made, and every branch of them, as touch or concern the hiring, keeping, departing, working, wages, or order, of servants, workmen, artificers, apprentices, and labourers, or any of them:"

4. *Virtually repealed.*—Where an earlier enactment is inconsistent with, or is rendered nugatory by, a later one; as for instance, 20 Hen. 3, Stat. Merton, c. 7, relating to the refusal of heirs to marry at the request of their lords, is virtually repealed by 12 Car. 2, c. 24, s. 1, taking away tenure by knight service, and the fruits and consequents thereof:

5. *Superseded.*—Where a later enactment effects the same purposes as an earlier one, by repetition of its terms or otherwise; as for instance, the provision of 20 Hen. 3, Stat. Merton, c. 8, "writs of novel disseisin shall not pass the first voyage of our sovereign lord the King that now is into Gascoine," is superseded by the provision of 3 Edw. 1, Stat. Westm. 1, c. 39, "that a writ of novel disseisin, of partition which is called nuper obiit, have their limitation since the first voyage of King Henry, father to the King that now is, into Gascoin:"

6. *Obsolete.*—(i.) Where the state of things contemplated by the enactment has long ceased to exist; as for instance, in the case of 13 Edw. 1, Stat. Westm. 2, c. 43, which prohibits Hospitallers and Templars bringing any man into plea before the keepers of their privileges for matters cognizable in the King's Court;

(ii.) Where the enactment is of such a nature as to be no longer capable of being put in force, regard being had to the alteration of political or social circumstances; as for instance, 4 Edw. 3, c. 12, providing "that a cry shall be made that none be so hardy to sell wines but at a reasonable price . . . . and that assay shall be made of such wines two times every year . . . . and all the wines that shall be found corrupt shall be poured out, and the vessels broken. . . . . ."

Now, except as to the first two of these classes (namely, the *expired* and the *spent*) it would be perhaps scarcely justifiable for any expurgators, on their own authority and responsibility, to strike out and omit from the new edition such enactments as have in these various ways ceased to be in force. But an express declaration or enactment by the Legislature itself that enactments of these various classes are not in force would solve all difficulty of this kind. And it is such a declaration or

* As to the use of the term *spent*, see 1 Blackst. Comm. 44., 2nd Report of the late Statute Law Commissioners, p. 7, and *Warren* v. *Windle*, 3 East, 205.

enactment that is embodied in the general repealing Act, (the Statute Law Revision Act, 1861,) to which we referred at the beginning of these observations.

One great collateral advantage derived from this mode of proceeding should not be overlooked. Such a repealing Act is not only of immediate service for the edition in direct connection with which it is prepared, but it has also a permanent usefulness. It not only stamps the particular edition in aid of which it is passed, with the authority of the Legislature, as far as in the nature of things that can possibly be done, but it also saves all revisors or expurgators who may come afterwards from the labour of going again over the ground which has been once effectually cleared. It concludes absolutely and for ever all question as to the enactments with which it deals being in force or not.

We shall make some observations at another time on the extent and particular nature of the Act which has been passed, the first, probably, of a long series.

The Courts, Appointments, Promotions, Vacancies, &c.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner GOULBURN.)

Oct. 21.—*In re Osborne.*—The bankrupt petitioned the Court *in formâ pauperis.* Adjudication was made. He was now brought up from prison to receive his discharge. The gaoler applied for the payment of his fee for so bringing him up. The bankrupt submitted that under the 98th section of the new law he was entitled, as petitioning *in formâ pauperis,* to be excused payment of the fee.

The COMMISSIONER said he could not consider that debtors were to be excused payment of these fees. If they were, gaolers would refuse to incur the cost of bringing them to the court.

The gaoler said that under the Bankruptcy Consolidation Act, the fee was 10s. 6d.; in insolvent cases the fee was 3s. He was willing to accept 3s., the case being one that but for the new bankruptcy law must have gone to the Insolvent Court.

The COMMISSIONER thought the officer took a right view of the case, and that 3s. might properly be understood to be the usual fee in all similar cases.

The fee having been paid, the bankrupt applied for his discharge.

The COMMISSIONER said, notice of the application not having appeared in the *Gazette,* he must decline to hear it.

The bankrupt then asked that he might be excused the advertisement expenses.

The COMMISSIONER.—No. The salary of the messenger of the court has been reduced to £500 a-year. It is impossible that he can pay these charges out of his own pocket. No fee to the messenger need be paid, but the cost of the advertisement must be paid.

Mr. *Pennell* (official assignee).—I had four petitions on Saturday. The four estates will not produce £4.

Correspondence.

STATUTE LAW REVISION.

In a note on the Statute Law Revision Act, 1861 (see *Solicitors' Journal* Statutes, p. 88), objection is taken to the repeal of the first part of 6 & 7 Will. 4, c. 101, s. 3.

If any one will examine the enactments mentioned in the note, with the addition of s. 101 (the interpretation clause) of 6 & 7 Vict. c. 18, we think he must come to the conclusion that the objection is in both its branches unfounded; that the first part of 6 & 7 Will. 4, c. 101, s. 3 is virtually repealed by 17 & 18 Vict. c. 57; and that the suggested practical difficulty under 6 & 7 Vict. c. 18 can never arise.

As to the first branch of the objection: we conceive it is plain that the first part of 6 & 7 Will. 4, c. 101, s. 3, is overridden by 17 & 18 Vict. c. 57. The first enactment provides, in effect, that in the case of a vacancy in the office of returning officer for a borough, the sheriff of the county shall appoint a deputy to perform the duties. The second enactment provides, in effect, that in all cases whatever, whenever there shall be, either from temporary vacancy or from some other cause, no person duly qualified to perform the duties of returning officer, the sheriff of the county shall in all respects perform the duties of and incidental to the office of returning officer. There seems no ground for contending that the second enactment is narrower in its application than the first, though it must be admitted that both enactments are obscurely framed.

But, independently of the operation of the second enactment as thus generally overriding the first, the case as to the supposed practical difficulty, which forms the second branch of the objection, will be found to stand as follows:—

(1.) Under 6 & 7 Vict. c. 18, where there is no town clerk or similar officer the provisions of that Act relative to the town clerk extend to the returning officer of the borough or his nominee or deputy.

(2.) By the same Act, the returning officer is defined to be any person to whom by virtue of his office under any law, custom, or statute the execution of a writ for the election of a member of Parliament doth *or shall* belong.

(3.) By 17 & 18 Vict. c. 57, the sheriff of the county is in terms charged with the execution of a writ for the election of a member of Parliament for the borough, where there is no person legally qualified and competent as returning officer to execute the same.

(4.) It follows, that the sheriff of the county stands in the like position as the town clerk, or ordinary returning officer, for the purposes of the annual revision of the borough list of voters, and for all the other purposes of 6 & 7 Vict. c. 18.

It may be added that, notwithstanding the generality of its terms, 6 & 7 Will. 4, c. 101, s. 3, would appear to have had no application to many of the new parliamentary boroughs created by the Reform Act; for by that Act (2 & 3 Will. 4, c. 45, s. 11) express provision is made for the nomination by the sheriff of the county of a new returning officer in case of the death or incapacity by sickness or otherwise of the returning officer of any of such boroughs (and see as to Birkenhead, 24 & 25 Vict. c. 112, s. 10). In this way, again, as to this large and important class of boroughs, the supposed practical difficulty is clearly obviated.

FRANCIS S. REILLY.
Lincoln's-inn, Oct. 17, 1861. ARTHUR JOHN WOOD.

TOUTING, PROFESSIONAL AND OTHERWISE.

One of our country clients, for whom we have been very many years concerned as London agents, a short time ago received, from the Suffolk solicitor of thirty years' standing, a letter and card similar to those which appeared in your number of the 12th inst. In forwarding the documents to us, our client, after making a few remarks on such an unprofessional way of getting business, adds that he is "not to be caught by such angling."

We enclose, for insertion in your paper, if you think proper to give it space, a circular which a town client of ours a few days ago received from a "non-professional touter." In sending you the document we merely wish to observe that the estate for which so much is offered to be done for so very small a fee as one guinea is not by any means an inconsiderable one.

A. B. & C.

P.S.—Can you form any idea as to how it can be necessary for the Suffolk solicitor, who boasts "of thirty years' standing" in the profession, to have recourse to the touting system?

The following is a copy of the circular referred to in our correspondents' letter:—

——— Street, London, E.C. Oct. 2, 1861.

Gentlemen,—In consequence of the death of Mr. ———, and the necessity of administering to his estate, and passing the requisite accounts at Somerset House, I beg to offer my services for that purpose, as well as for transferring all stocks from the deceased's name to the legatees.

My fee is £1 : 1 : 0.

It is scarcely necessary for me to mention that should you employ a solicitor to transact the business referred to you will probably incur a heavy bill of costs—quite unnecessarily.

I add at foot the names of my referees, and shall be happy to supply you with any information you may require free of charge.—I am, your obedient servant,

To the executors of the late ———.

Referees:—Rev. H—— B——; and Rev. Dr. E——.

RAILWAY LIABILITIES.

I put some household goods on the C. line of rail, which line transferred them to the S. D. line, which latter line transferred them to the N. D. line. When delivered by the N. D. line they were much damaged. The C. line say that the

damage was not done by them, and the other lines refuse to answer my letter respecting it. Will any of your numerous readers tell me which line to sue? J. T. S.

COMMON LAW CHAMBERS.

I am desirous of being informed why all the summonses need be returnable at the same time. Could not twenty be granted for 11 and twenty for each successive hour till counsel attend, and then, allowing an hour exclusively for them, twenty for each succeeding hour till 3? The judge seldom arrives before 11.30, and then takes the adjourned summonses. If the whole twenty appointed for 11 were not brought before him (rather unlikely) he would have enough to employ him till 12, and the same might be said up to 3 o'clock.

AN ATTORNEY'S CLERK.

REG. v. COLLUCCI.

This trial having excited some interest not only in the public, mind, but also in the legal world, I beg to draw your readers' attention to one point arising in it. I observe that the prisoner's counsel impressed on the jury that the defence he set up was the prisoner's own; that he positively insisted on its being made; and that he alone was responsible for it. (I am here quoting from the *Times* report.) He went on to say that where a prisoner insisted upon a particular course being taken, it was no part of the duty of an advocate to interfere with that desire. He, therefore, should merely state the answer the prisoner himself would have made to the charge. Now it occurs to me, as it evidently did to the Lord Chief Baron, whether the inevitable inference from this is not that the counsel himself thought the defence a very injudicious one—and even further than that, I think he conveyed that impression to the jury. I think if I had been on the jury, I should have said to myself "the prisoner's counsel himself actually admits the defence he puts forward is none at all, and therefore I shall find him guilty." Now, did the counsel—a very able one, no doubt—properly discharge his duty? Does it not look a little like an attempt to prevent his being taken for a fool, to say (as he really does) that he would have made a better defence if he could? Why could he not have made the defence insisted upon without letting it be seen that he considered it futile? Was he paid for doing what may have decided the case against his client? LEGALIS.

POWER OF ATTORNEY.—FOREIGN COUNTRY.

In answer to the letter of your correspondent "A Law Clerk," in your number of last week, I would observe that a power of attorney given by a person in this country to be acted upon in a foreign state or colony must be verified by a notarial attestation of the document.

The attesting witness should make a declaration before a notary as to the execution of the power of attorney, and such notary will thereupon give his certificate. Forms of the declaration and certificate are given at pages 754, 755, "Hughes' Precedents in Conveyancing," vol. 3.

Neither the city seal nor an ordinary attestation are of themselves sufficient.

The declaration may be dispensed with if the chief magistrate of a place attest the power, but his signature must be verified by a notarial attestation. W. S.

In reply to the inquiry of "A Law Clerk," I beg to state that in order to prove the due execution of a power of attorney to be acted upon in the colonies, it is necessary that a declaration should be made by the attesting witness.

If this is done before the lord mayor, the city seal is requisite, certifying the declaration, or if made before a notary public his seal is requisite. But where there are colonial commissioners (as there are here for New South Wales and Victoria,) the power can be executed before them and no declaration is requisite. And of course neither the city nor notarial seal is required.

It is hardly necessary to say that the usual mode of execution alone renders a power "a valid legal instrument," but ninety-nine persons out of a hundred require proof that it is really executed by the person by whom it purports to be executed.

P. J. GORDON,
Commissioner for New South Wales.
18, Old Broad-street.

THE NEW BANKRUPTCY ACT.

What is the interpretation to be put upon sects. 73 and 74 of the Bankruptcy Act, 1861. Does it mean that the judgment recovered must exceed £50; or that so long as the sum of £50 was sought to be recovered by the action or suit brought, it does not matter whether judgment goes for a less sum.

INQUIRER.

ON FRAUDULENT TRADE MARKS.

The following Paper was read by JOHN MORRIS, Esq., at the recent meeting of the Metropolitan and Provincial Law Association, Worcester:—

The Trade Marks Bill, which passed the House of Lords in the last session of parliament, was withdrawn by the President of the Board of Trade when it came into committee in the Commons, with notice that it would be re-introduced "the first thing next session, and referred to a select committee."

The object of this paper is to indicate some of the points to which attention will have to be directed in dealing with any bill to be hereafter introduced in lieu of that so recently withdrawn.

The late bill dealt with two very distinct offences—the first relating to fraudulent trade marks; the second to false labelling. At first sight the two may appear to be, if not identical, at all events intimately connected, but upon closer examination the principles applicable to each will be found to be widely different.

Trade marks refer wholly to ownership, or to that property which arises from manufactures. False labelling includes many cases in which no question of trade mark or peculiar ownership is involved; as, for instance, the false marking of goods as to *quantity* or *length*. For reasons which I shall afterwards explain I would limit the offence of false labelling to cases in which there is a false indication as to *quantity*, *length*, or the *name* of the manufacturer or owner.

Trade marks are not confined to the name of the manufacturer or owner, but extend, as we shall presently see, to the use of signs and marks of every conceivable kind, as to the right to use which there may be, and often are, disputed questions.

There can rarely be any dispute as to the right to use the name of the manufacturer or owner, where it is the name of a living person actually engaged in the production of the article; and, therefore, in such cases, I would put the name under the same protection as the quantity and length, because so far as the fraudulent use of the *name* is concerned (which will include most of the flagrant offences in this class of cases) you thereby get rid of many of the difficulties which arise as to trade marks.

The distinction between cases of false labelling and of trade marks is most important: the former is an offence against the public, and may, therefore, come under the head criminal law, while the latter partakes of the nature of a civil wrong; the former can be dealt with at once by legislation, but before the latter can be made the ground-work of criminal proceedings you must, by registration or otherwise, provide for settling preliminarily the two essential questions, what is a trade mark? and who, in any given case, is entitled to its exclusive use?

Whether it will be wise to deal with both these subjects of false labelling and trade marks by one Bill may be open to question.

A trade mark is a species of private property, and there certainly seems no more reason why that should be protected by the criminal law than copyright, patents, or designs.

On the other hand, no one doubts the propriety of checking the false marking of goods as to lengths or quantity, or as to the name of the manufacturer or owner.

I will now proceed to examine in detail some of the provisions of the late bill; and first, as to false labelling:—Section 6 applied to cases where there should be "any false indication, statement, or description of the quantity, quality, measure, substance, or material of such chattel or article or any part thereof, or of the manner or place in or at which, or of the person by whom, such chattel or article was made, manufactured, produced, or was, or is, dealt in."

The words "quality," "substance," "material," "manner or place," are (thus applied) all objectionable. They are not required to meet any admitted mischief, while they will give rise to all sorts of disputed questions, like the one now often raised—what is paper? Can carpets, known as

"Brussels" be sold under that designation when it is notorious they are not made at Brussels? What are "superfine," "firsts," "seconds," and all such terms applied to quality? Now, the mischief complained of is not that the public are misled by the use of any such terms as these, because as to them purchasers can and should exercise their own judgment, the real cause of complaint is, that the public are misled by misrepresentations as to quantity, length, and the name of the manufacturer or owner, as to which no skill or care on the part of a purchaser can protect him.

But even in those cases of false labelling to which I have said the criminal law might be properly applied, there is a clear distinction which should always be borne in mind between the case of the *maker* of goods so falsely marked and the *vender*—the latter may innocently sell a reel of cotton marked 100 yards and containing only fifty; but the manufacturer cannot innocently make and mark it. It is impossible that the dealer can test the lengths and quantities of a large mass of articles dealt in, such as cotton, ribbons, lace, &c. Such articles are necessarily sold to the public in precisely the same state in which they leave the manufacturer's hands. Some protection, therefore, should be extended to the innocent vender of falsely-labelled goods. This might be done by requiring proof of *knowledge and intent to defraud*, while in the case of the maker (the source of the mischief) less stringent provisions as to proof might be required.

A marked distinction is made by our law between the manufacturer and the dealer in the case of gold and silver wares having forged or counterfeited marks; such marks are *well known*, and if in any case the dealer ought to be held responsible for what he sells, it should be in that case,—yet, while the maker is liable to transportation, the dealer escapes with a fine, and even that he can get off from by giving up the name of the manufacturer. (See 7 & 8 Vict. c. 22, ss. 3, 4.)

In order to protect the innocent vender from vexatious charges under any Act to be passed, some provisions should also be made for a preliminary notice before commencing proceedings, where the selling or exposing for sale complained of shall take place at the shop or warehouse of the alleged offender; the same being his usual known and established place of business. This will not, of course, prevent immediate proceedings in the case of those who have no settled place of business, and who would use any protection of this kind as a means of escaping altogether from the operation of the law; while, on the other hand, if some protection, such as is here suggested, be not thrown around the innocent vender, traders will be liable to be dragged before magistrates by evil-disposed persons, and it need scarcely be observed that the right to an acquittal is not all the protection which is required. If a new class of cases like this is to be made subject to the criminal law, protection must be taken against its being abused, or the Act will become a nuisance instead of a benefit. Any protection of the kind suggested should provide for venders being at liberty, on receiving the preliminary notice, to give up the name of the manufacturer or person from whom they purchased; and if the prosecutor should after this proceed against the vender it should be at the risk of costs, if not also of a penalty in case he failed. This will protect innocent venders, and at the same time facilitate the reaching of the real offenders—the manufacturers of the falsely labelled goods.

These remarks apply to false labelling. I now come to the trade marks portion of the late Bill.

By admitting that the fraudulent use of the *name* of the manufacturer or owner may be punished criminally, quite apart from any question of trade mark, much difficulty which would otherwise arise under this head is got rid of. The objections to this part of the late Bill cannot be better stated than in the words of a petition against the Bill from wholesale houses in Manchester, which alleged as follows:—

"That the said Bill defines a trade mark as including 'any *name, word, letter, mark, device, figure, sign, seal, stamp, label, or other thing lawfully used by any person to denote any chattel*; and makes the sale, or exposure for sale, 'of any chattel or article, together with any counterfeited trade mark, or any fraudulent addition to or alteration of a trade mark, or with any imitation of a trade mark so resembling such trade mark as to be likely to deceive; or with any trade mark, *whether the same be a genuine trade mark or not*, which shall have been applied without lawful authority or excuse, *the proof whereof shall lie on the party accused*,' a misdemeanour, and render the guilty party liable to imprisonment for 'two years, with or without hard labour, or by fine or both, as the Court shall award.'

"That your petitioners deal in goods which are so variously marked that it is utterly impossible to ascertain, in most cases, whether any trade mark, or alleged trade mark, is interfered with, or even whether the mark is intended as a trade mark or not; and yet, at the instance of interested or malicious persons, your petitioners might be subject to criminal proceedings, not only before the person claiming the trade mark has publicly established his right to use it, but, contrary to the principles of English law, with the proof of the non-infringement thrown upon the accused.

"That, in the opinion of your petitioners, no proceedings ought to be taken under this Bill, until the person claiming an exclusive right to use any trade mark has publicly established and notified that right; and that the persons against whom criminal proceedings ought to be directed are those who are guilty of the overt act of fraudulently counterfeiting such mark, or falsely marking or labelling any article, and not the venders of such articles, who may have purchased them in the ordinary course of business."

Even if the criminal law should be applied to trade marks generally, still the whole principle on which that part of the late bill was founded must be reconsidered in order to frame provisions which, while correcting the admitted mischief, shall not vex and harass trade.

The difficulties of registration I admit; and have always seen, from the nature of the "marks," their number and complexity, it would be impossible, even with the aid of photography, to enable traders to be kept informed by means of an index of the registered marks, which would extend in number to thousands; but the difficulties in that direction would be lessened by requiring a preliminary notice before making a party liable to criminal proceedings. This idea of a preliminary notice, not before commencing proceedings, but before a party shall be subject to be charged at all, was suggested by the present Attorney-General, on the occasion of a deputation to the President of the Board of Trade on the subject of the late Bill. Such preliminary notice should contain a reference to the serial number in the register, and if the *right* to register be disputed, it would, of course, be open for any party receiving the notice to take steps to question such right, as is now done in the case of copyright, &c.

This, and perhaps nothing but this, would afford protection against unfounded and malicious prosecutions in the case of trade marks.

It may be urged that any preliminary notice is inconsistent with a criminal offence. In answer I may draw attention to the fact that in Prussia, where there is no over sensitiveness about imprisonment, the vending of a forged trade mark is for the first offence punishable by fine only, and it is only *in case of repetition* that it is made liable to imprisonment. See Mr. Ryland's paper on "Trade Marks," p. 232, of the Transactions of the Social Science Association, 1859.

In France trade marks are, *by a recent law*, protected by registration; and the exclusive enjoyment of a mark thus established is limited to fifteen years, but it is renewable.

What is entitled to the protection of our law as a trade mark is a delicate and difficult question in disputed cases—so delicate and diffult that the Court of Chancery rarely ever grants an injunction until the legal right to the trade mark has been established by an action or issue at law.

As the law at present stands long *and exclusive* use is an essential condition to the establishment of a trade mark.

What construction would be put on the words, in the late Bill, "*lawfully used*," taken in connection with the words which followed in the interpretation clause, it is impossible to say. Taken literally, several persons at the same time may *lawfully* use any given mark, whilst none of them is entitled to the *exclusive* use of it.

It may be said that no one would venture to take criminal proceedings in case of disputed right.

I am not so sure of this. It is easy to deter traders from dealing in particular goods merely on the *threat* of civil proceedings for an infringement of a patent. Still more will this be the case if the alleged offence be made a criminal one, against which no indemnity, as in a patent case, can protect them. A preliminary notice in such cases would (without registration or some other means of settling disputed rights) operate as a snare rather than a protection—

it would legalise the threat of criminal proceedings which, from the small interest they may have in any particular case, would deter parties from dealing in the goods in question, entirely apart from the question of right; so that the practical effect of the notice of threatened proceedings would, in such cases, be to put it in the power of any particular manufacturer to get a monopoly to which he may not be legally entitled. Wholesale houses, dealing in thousands of different kinds of goods, will not run risks of civil, much less of criminal, proceedings, and into the *merits* of disputed questions of legal right *they* have neither time nor inclination to enter.

It has been said that magistrates will not grant summonses against houses of high standing unless previously satisfied that there is *primâ facie* a good case. To this doctrine I take entire exception. Houses, however high their standing, *ought to be* exposed to the equal operation of the law, and the remark, if it has any value at all, is a strong argument against this part of the late Bill, whereas if proper protection were inserted in the Bill against vexatious proceedings it would make the law all the more potent against the real offenders.

It has been said, again, that any one is exposed to be charged with stealing, say a pocket-handkerchief, and it is argued that therefore traders should not complain of being liable to be charged even falsely with the offence in question; but there is no analogy between the two cases. A pocket-handkerchief is tangible property and easily identified, whereas a trade mark is a claim rather than a right, and should itself be legally established before it is used for the purposes of prosecution.

First establish the right to a trade mark, and then the suggested analogy may apply, *but not before*.

Having said thus much on the subject of applying the criminal law to trade mark cases generally, and the difficulties which arose thereon under the late Bill, I now suggest whether such cases ought not to be left to the civil courts.

In the discussion on Mr. Ryland's paper before referred to, Mr. Thomas Webster, the well-known patent lawyer, said that "the true remedy for the frauds complained of was to give *a copyright in trade marks*. He advised mercantile men to unite in obtaining an Act for this purpose rather than any criminal enactment." (See p. 270 of the Social Science Transactions, 1859).

The following is an extract from an opinion of Mr. Alfred Wills, of the Midland Circuit, on this part of the late Bill:—

"After all, however, the best corrective would be to turn the clause creating the *offence* of selling, &c., an article with a counterfeited stamp into one giving a *penal action*, such as is given in the case of patented articles by 5 & 6 Will. 4, c. 83, s. 77, because then the party charged is a competent witness for himself, and in a case bordering so closely as this must often do either upon a mere civil infringement of right or upon a mere accident even the question of *intention* is all important. I remember very well a case tried at Warwick under that section, in which had it been framed upon the penal basis of clause 3 of the bill in question, two respectable men in a good way of business might have had a most narrow escape, if they would not have been convicted; but where their own evidence satisfied the Court, and everyone who heard them, that what was complained of had been done most innocently."

He afterwards wrote further thereon as follows:—

"When I mentioned the case tried at Warwick, in the remarks I wrote two days ago, I forgot to mention one of the most instructive parts of the case, which was, that the plaintiffs in that action had employed a firm in London to order from the defendants the goods stamped in the very way which they thought would bring them within the Act of Parliament, and having, as they thought, caught them in a trap, they then sued them for penalties; and it turned out that the defendants were actually ignorant of the very existence of the patent of which they were charged with counterfeiting the designation."

If it still be thought that the criminal law shall be applied to check and punish flagrant offences, then I suggest that the first offence as to trade marks might be made liable to a penal action, and a repetition of it the subject of criminal punishment. This would assimilate our law to that of Prussia. In the penal action any disputed question of right could be tried and settled before any question of criminal liability could be raised.

In conclusion I would suggest—

1st. That false labelling as to quantity, length, or name of manufacturer or owner be punished criminally in the case of the maker, and that the vender be also crimally responsible if he sells or exposes for sale, *knowing of the false labelling and with intent to defraud*.

2nd. That the fraudulent use of trade marks, not coming under what I have defined as false labelling, shall be made liable to a penal action, and that if it be subject to the criminal law at all, then that for the first offence it be made liable to a penal action, and for any repetition thereof, after judgment shall be recorded against the defendant in the penal action, it shall be subject to criminal punishment.

3rd. That proper provisions be made for conventions with foreign countries upon this subject.

THE NEW BANKRUPTCY ACT.

The following important circular has been issued by the committee of the Manchester Association for the Protection of Trade in reference to the new Bankruptcy Act:—

To the Members of the Manchester Association for the Protection of Trade.

Gentlemen,—The new Bankruptcy Act having come into operation, we beg to call the attention of the members of this association and of the mercantile public generally to one or two points of very serious import arising out of the changes introduced into the administration of the law of debtor and creditor.

By the new Act the relative positions of the creditors' assignee and the official assignee are completely changed; and, before accepting the office of assignee, persons ought to make themselves acquainted with the responsibilities they will incur.

The clauses referring to the duties and responsibilities of the creditors' assignee, and which provide that every three months his accounts shall be verified upon oath, and submitted o the audit of the official assignee; shall find security if a majority of the creditors and the Court require it; shall be liable to dismissal by a majority in value of the creditors; and may at any time be called upon by one-fourth in value of the creditors to show cause why he should not be dismissed—will operate as a serious impediment in the way of any mercantile man undertaking the office, and therefore will have a tendency to throw the management of the estate into the hands of the bankrupt's friends.

The changes introduced by what are known as the "Deed Clauses" are most important, and demand the earnest attention of all persons interested in the settlement of insolvent estates.

These clauses stand in the act as sects. 192 to 199 both inclusive, and they were specially intended, as was said, for the benefit and advantage of the commercial classes, but we fear that in practice they will prove not only no boon, but a positive injury.

The object of the 192nd section is to bind a minority of creditors to an arrangement which has been accepted by "a majority in number representing three-fourths in value of the creditors." The importance of making deeds so binding is self-evident, because it is so notorious that scarcely a case arises without one or more creditors standing out with a view to obtain a preference.

The following are the conditions which must be fulfilled before any deed can be made so binding:—

1. A majority in number representing three-fourths in value of the creditors must assent to the deed.
2. Any trustees appointed must execute the deed.
3. Execution by the debtor must be attested by a solicitor.
4. Deed must be registered within twenty-eight days.
5. On so doing, an affidavit by the debtor, or some person able to depose thereto, or a certificate by the trustees that the required majority have, in writing, assented to or approved of such deed or instrument, and also stating the value of the debtor's property and creditors comprised in such deed, must be left with the deed.
6. The deed must be stamped (as required by sect. 195) with an *ad valorem* duty of 5*s.* per cent on the sworn or certified value of the estate and effects, in addition to the ordinary stamp duty.
7. Immediately on the execution of the deed by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees.

As the result of a considerable experience we would say that in many, if not in most, cases it is practically impossible to obtain the consent of "a majority in number representing

three-fourths in value of the creditors" above £10 within the twenty-eight days given for registration.

That in the case of large estates, no trustee, and certainly no solicitor, will—at the risk of not being repaid—advance the stamp duty, which, in addition to the former duty, is to be impressed on the deed before registration, and which may reach £200.

That the debtor cannot be relied on to make an affidavit, as required, of his creditors and estate, because in many cases an insolvent is afterwards advised that he has done wrong in executing the deed.

And that there will be great and perhaps insuperable difficulty in a trustee obtaining in the twenty-eight days all the information to enable him to certify "the amount in value of the property and creditors of the debtor comprised in such deed." In cases of estates comprising considerable assets abroad it is clearly impossible to do this.

Again, how is a trustee conscientiously to certify to the assent of the requisite number and value of creditors to the deed? Is he personally to obtain their signatures, or is he to take for granted that a number of signatures shown to him are the genuine signatures of the creditors?

It does not appear whether, if any error is made in such certificate or in the calculation on which it is based, it will vitiate the registration; but if it will, then an unintentional error may upset everything; and if it will not, then a false certificate may be given in a fraudulent case, and the creditors will be bound thereby.

But the most important objection is to the condition that—"Immediately on the execution thereof (the deed) by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees." Now, the essence of an arrangement, in case of composition, generally is, that it is considered for the benefit of all parties that the debtor shall remain in possession of his property and carry on his trade, but that the creditors shall have power to take possession on default of payment of an instalment, or other circumstances making it expedient to do so.

No such arrangement will, under the new statute, be binding on any creditor who shall not execute the deed, because such a deed would not comply with the seventh condition of sect. 102.

Possession by the trustees would frustrate the whole arrangement; and therefore, we presume, in nearly all cases of composition, there will be the same opportunity as heretofore of an unscrupulous creditor obtaining a preference over the others, or throwing the estate into the *Gazette*.

We have before incidentally noticed the stamps on deeds, and the commercial community, who have been such special objects of the Lord Chancellor's care, should understand that after having made bad debts their dividends are to be lessened by a stamp duty (in addition to the 35*s.* formerly impressed) of 5*s.* per cent. on the value of the property to which they must resort for their dividends; the maximum amount of duty being £200. This stamp is double the present stamp on mortgages.

Deeds of assignment are now placed in a peculiar position.

Sect. 194 requires that every deed (of course, whether it be a deed under sect. 192 or otherwise) executed by a debtor for the benefit of creditors, shall be registered within twenty-eight days from its execution by the debtor, "and in default thereof it shall not be received as evidence."

Sect. 198 provides that a certificate of the registration of such deed shall be a protection to the debtor against any process of common law, unless by "leave of the Court;" and that it "shall be available to the debtor for all purposes as a protection in bankruptcy." Now, as a protection in bankruptcy is absolute, the creditor could not avail himself of the "leave of the Court" to proceed, even if obtained.

Sect. 199 provides that, pending the time allowed for registration, proceedings in bankruptcy, if commenced, shall be stayed, "and if the deed be duly registered the petition shall be dismissed."

The combined effect of these clauses will be that in future no deed of assignment can be relied upon as an act of bankruptcy, because if not registered it cannot be received as evidence, under sect. 194; and if registered it is a bar to proceedings in bankruptcy under sect. 199, and is a protection at common law under sect. 198.

It seems to us that this will open the door to great frauds, perpetrated under the protection of an Act of Parliament, and against which the creditors will have no remedy.

A fraudulent assignment to a man of straw will, if registered (and there is nothing to prevent registration), act practically as an absolute protection against all further inquiry; and glaring exposures, like those which have taken place in recent bankruptcies, will probably in future be avoided by the judicious selection of a friendly trustee, who will make all things smooth and comfortable. As the law stood previously, an assignment could have been upset, because it was an act of bankruptcy; but now, although it may still continue an act of bankruptcy, in a technical sense, it is one which is incapable of proof, or which itself defeats the issue of a fiat.

We have thus pointed out the bearing of the Act on the ordinary mode of settlements by deed, which, in a large majority of cases, are either by deeds of composition or deeds of assignment; and we have shown that the former are excluded from the benefits of the Act though not from the taxation clause, and that the latter are rendered dangerous instruments.

These defects, amongst others, were pointed out during the discussions in Parliament, but the clamour was for "the bill, the whole bill, and nothing but the bill;" and although the House of Lords, after a very patient consideration, amended or struck out most of the objectionable clauses, they were nearly all restored subsequently, and now form part of the law of the land.—We are gentlemen, yours respectfully,

PHILIP GILLIBRAND, Chairman.
CHAS. WATSON.
FRANCIS TAYLOR.
WM. BUTTERFIELD.
ROBERT M. SHIPMAN.

Manchester, October 19th, 1861.

TESTIMONIAL TO MR. URQUHART, OF MANCHESTER.

On Friday the 18th instant, a large number of the members of the legal profession assembled at the Queen's Hotel, Manchester, to present a testimonial to Mr. Urquhart, the late deputy-registrar to the Manchester Court of Record, and author of several works upon the practice and costs of the Salford Hundred Court of Record during his deputy-registrarship of that Court; he being about to take up his residence in the metropolis as a partner in a legal metropolitan firm. The testimonial consisted of a silver salver, claret jug, and two goblets, value 100 guineas, subscribed by the bar and attorneys of Manchester and Salford. The claret jug bore Mr. Urquharts' initials, and upon the salver there was the following inscription:—"This salver, with a claret jug and goblets, was presented to John Urquhart, Esq., on his retirement from the office of deputy-registrar of the Manchester Court of Record, by the bar and attorneys of Manchester. 28th September, 1861."

Mr. R. B. B. Cobbett presided, and Mr. Austin, deputy town clerk, occupied the vice chair.

After the usual loyal toasts had been given and duy honoured, Mr. Higgin, barrister, rose to make the presentation. He said he considered it was a compliment to himself to be appointed to make the presentation, and he embraced the opportunity of presenting the testimonial with great personal satisfaction to himself. It was some years since Mr. Urquhart first came amongst them to take the management of the Salford Court of Record. They would all remember the ability which he brought to bear upon the proceedings of that court, and he was quite sure that he spoke the sentiments of both branches of the profession when he said that they were all indebted to Mr. Urquhart for his energetic and persevering conduct in bringing that court into the position which it now occupied. When Mr. Urquhart came to take the management of the Manchester Court of Record, it was not too much to say that he found it in an utter state of confusion, and by his personal exertions he converted that which had been a nuisance into a boon to the community of Manchester. He considered both branches of the profession were much indebted to Mr. Urquhart for his urbanity on all occasions; and expressing a hope that he might succeed in the new position into which he was about to enter, he begged to present to him the testimonial on behalf of both branches of the profession. — Mr. Urquhart, who spoke with emotion of the many friendships he had made in Manchester, returned thanks in suitable terms, and said that in leaving Manchester, it was a source of pleasure to know that the gentleman who succeeded him in the office of deputy-registrar to the Manchester Court of Record (Mr. Mountain) was equal to the position, and would give satisfaction to all.

Other toasts were afterwards proposed and responded to, and an agreeable evening was spent.

Law Students' Journal.

LAW LECTURES AT THE INCORPORATED LAW SOCIETY, 1861-62.

Three courses of lectures will be delivered in the hall of this society during the months of November, December, January, and February next. For particulars respecting the times of meeting and the nature of the lectures we refer our readers to the society's advertisement in our present number. The first lecture will be given by Mr. Thomas Henry Haddan, on Equity, Friday, Nov. 1.

MIDDLE TEMPLE LIBRARY.—The new library of this society will be open for public use next Michaelmas Term. A ceremonial of inauguration to commemorate the event will take place, under the auspices of his Royal Highness the Prince of Wales. It is intended to celebrate the occasion by a banquet to his Royal Highness, to which all the members of the society will be invited. The inauguration will take place on Thursday, the 31st inst. We understand that the Guard of Honour to be furnished by the Inns of Court Corps to receive his Royal Highness on the occasion will be formed of those members of the Middle Temple who should have put down their names for the purpose at the orderly room, Inns of Court Rifle Volunteers, by 12 o'clock on the 25th inst. If sufficient names should not have been sent in the deficiency will be supplied from members of the corps of the other inns. The Guard of Honour are invited by the Masters of the Bench to the *déjeuner* given on the occasion, and are not required to appear otherwise than in uniform. The tickets of admission for members to the banquet will be ready for distribution on Tuesday, the 29th inst. Members intending to be present must signify their intention not later than this day [Saturday], when the list closes.

CRYSTAL PALACE SCHOOL OF ART, SCIENCE, AND LITERATURE.—The establishment of Classes and Lectures, which should in a proper manner utilize, for educational purposes, the vast and unequalled recources of the Crystal Palace, is now no longer a matter of conjecture, but a tested fact. The school was commenced last year, and the result at the close of the first term has been highly satisfactory. The regulations and announcement, for the new term, which commences on the 1st of November next and continues till July 31st, 1862, have just been issued. Classes for water colour painting, figure drawing and modelling have been established. English, French, German, Italian, Latin, history, physical geography, botany, physiology, and chemistry will also be taught; as well also the pianoforte, singing, part-singing, and dancing.

Births, Marriages, and Deaths.

BIRTHS.

COLLIER—On Oct. 23, at Elm-Lodge, Putney, the wife of John F. Collier, Esq., Barrister-at-law, of a daughter.

MANT—On Oct. 12, at 5, Great James-street, Bedford-row, the wife of George F. Mant, Esq., Solicitor, of a son.

SEGAR—On Oct. 19, the wife of Wm. Fras. Segar, Esq., of the Middle Temple, Barrister-at-law, of a son.

MARRIAGES.

CAVE—MARTIN—On Oct. 19, William Henry Cave, Esq., Solicitor, of Newbury, Berks, to Elizabeth Lucy, daughter of the late Alderman Martin, of the same place.

CHAPPELL—ELLIS—On Oct. 22, Thomas P. Chappell, Esq., of George-street, Hanover-square, to Marian Ellis, widow of the late William Ellis, Esq., Barrister-at-law, Middle Temple.

WATTS—WEBB—On Oct. 23, John Onslow Watts, Esq., of Lincoln's-inn, Barrister at-law, to Caroline Mary, daughter of Major Vere Webb, of Bath.

DEATHS.

BARBER—On Oct. 18, at 37, Half Moon-street, Piccadily, suddenly, Ann Howard, widow of the late Charles Henry Barber, Esq., Q.C., aged 67.

CARR—On Oct. 18, in the 43rd year of his age, George Sweet Carr, Esq., Barrister-at-law.

NORTON—On Oct. 18, at Lowestoft, Edmund Norton, Esq., Solicitor, aged 63.

WILLIAMS—On Oct. 21, at 31, Alfred-place, Bedford-square, aged 71, Frances, widow of Wm. Williams, Esq., Solicitor.

Court Papers.

Chancery Sittings.—MICHAELMAS TERM, 1861.

LORD CHANCELLOR.

At Westminster.

Satur., Nov. 2 { App. mtns., ptns., and appeals.

At Lincoln's Inn.

Monday, Nov. 4
Tuesday .... 5 } Appeals.
Wednesday . 6
Thursday .. 7..App. mtns. & apps.
Friday..... 8
Saturday .. 9
Monday .... 11 } Appeals.
Tuesday 12
Wednesday .13
Thursday ..14..App. mtns. & apps.
Friday..... 15
Saturday ..16
Monday .... 18 } Appeals.
Tuesday 19
Wednesday. 20
Thursday ..21..App. mtns. & apps.
Friday..... 22..Appeals.
Saturday ..23..Petns. & appeals.
Monday ....25..App. mtns. & apps.

MASTER OF THE ROLLS.

At Westminster.

Satur., Nov. 2..Motions.

At Chancery-lane.

Monday, Nov. 4
Tuesday .... 5 } General paper.
Wednesday.. 6
Thursday .. 7..Motions.
Friday..... 8..General paper.
Saturday .. 9 { Petns., sht. caus., adj. sums., and general paper.
Monday 11
Tuesday .... 12 } General paper.
Wednesday. 13
Thursday ...14..Motions.
Friday..... 15..General paper.
Saturday ...16 { Petns , sht. caus., adj. sums., and general paper.
Monday 18
Tuesday .... 19 } General paper.
Wednesday. 20
Thursday ...21..Motions.
Friday..... 22..General paper.
Saturday ...23 { Petns., sht. caus., adj. sums., and general paper.
Monday ....25..Motions.

N.B.—Unopposed petitions must be presented and copies left with the Secretary, on or before the Thursday preceding the Saturday on which it is intended they should be heard; and any causes intended to be heard as short causes must be so marked at least one clear day before the same can be put in the paper to be so heard.

LORDS JUSTICES.

At Westminster.

Satur., Nov. 2..Appeal motions.

At Lincoln's Inn.

Monday, Nov. 4
Tuesday .... 5 } Appeals.
Wednesday . 6
Thursday .. 7..App. mtns. & apps.
Friday..... 8 { Petns. in lunacy & bankcy., appeal petitions, & appls.
Saturday .. 9
Monday .... 11 } Appeals.
Tuesday .... 12 { Apps. from the Cty. Pltn. of Lancaster & appeals.
Wednesday..13..Appeals.
Thursday ..14..App. mtns. & apps.
Friday..... 15 { Petns. in lunacy & bankcy., appeal petitions, & apps.
Saturday ..16
Monday .... 18 } Appeals.
Tuesday 19
Wednesday..20
Thursday ..21..App. mtns. & apps.
Friday..... 22 { Petns. in lunacy & bankcy., appeal pet tions, & apps.
Saturday ..23..Appeals.
Monday ....25..App. mtns. & apps.

NOTICE.—The days (if any) on which the Lords Justices shall be engaged in the Full Court, or at the Judicial Committee of the Privy Council, are excepted.

V. C. SIR R. T. KINDERSLEY.

At Westminster.

Satur., Nov. 2..Motions.

At Lincoln's Inn.

Monday, Nov. 4
Tuesday .... 5 } General paper.
Wednesday.. 6
Thursday .. 7..Mtns. & gen. pap.
Friday..... 8..Petitions.
Saturday .. 9 { Sht. causes, adj. sums., & gen. pap.
Monday 11
Tuesday .... 12 } General paper.
Wednesday..13
Thursday ..14..Mtns. & gen. pap.
Friday..... 15..Petitions.
Saturday ..16 { Sht. causes, adj. sums., & gen. pap.
Monday 18
Tuesday .... 19 } General paper.
Wednesday..20
Thursday ..21..Mtns. & gen. pap.
Friday..... 22..Petitions.
Saturday ..23 { Sht. causes, adj. sums., & gen. pap.
Monday ....25..Mtns. & gen. pap.

N.B.—Any causes intended to be heard as short causes must be so marked, at least one clear day before the same can be put in the paper to be so heard.

V. C. SIR JOHN STUART.

At Westminster.

Satur., Nov. 2..Motions.

At Lincoln's Inn.

Monday, Nov. 4
Tuesday .... 5 } General paper.
Wednesday.. 6
Thursday .. 7..Mtns. & gen. pap.
Friday..... 8..Petns. & gen. pap.
Saturday .. 9 { Short causes and general paper.
Monday 11
Tuesday .... 12 } General paper.
Wednesday..13
Thursday ..14..Mtns. & gen. pap.
Friday..... 15..Petns. & gen. pap.
Saturday ..16 { Short causes and general paper.
Monday 18
Tuesday .... 19 } General paper.
Wednesday..20
Thursday ..21..Mtns. & gen. pap.
Friday..... 22..Petns. & gen. pap.
Saturday ..23 { Short causes and general paper.
Monday ....25..Motions.

N.B.—Any causes intended to be heard as short causes must be so marked, at least one clear day before the same can be put in the paper to be so heard.

V. C. SIR W. P. WOOD.

At Westminster.

Satur., Nov. 2..Motions.

At Lincoln's Inn.

Monday, Nov. 4
Tuesday .... 5 } General paper.
Wednesday.. 6
Thursday .. 7..Mtns. & gen. pap.
Friday..... 8..General paper.
Saturday .. 9 { Petns., sht. causes, & general paper.
Monday 11
Tuesday .... 12 } General paper.
Wednesday..13
Thursday ..14..Mtns. & gen. pap.
Friday..... 15..General paper.
Saturday ..16 { Petns., sht. causes, & general paper.
Monday 18
Tuesday .... 19 } General paper.
Wednesday..20
Thursday ..21..Mtns. & gen. pap.
Friday..... 22..General paper.
Saturday ..23 { Petns., sht. causes, & general paper.
Monday ...,25..Motions.

N.B.—Any causes intended to be heard as short causes must be so marked, at least one clear day before the same can be put in the paper to be so heard.

Queen's Bench.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir ALEXANDER EDMUND COCKBURN, Bart., Lord Chief Justice of Her Majesty's Court of Queen's Bench, in and after Michaelmas Term, 1861.

IN TERM.

Middlesex.		London.	
1st Sitting	Monday ... Nov. 4	1st Sitting	Tuesday ... Nov. 12
2nd Sitting	Thursday .. Nov. 14	2nd Sitting	Monday ... Nov. 18
3rd Sitting	Wednesday . Nov. 20		

For undefended causes only.

AFTER TERM.

Middlesex.		London.	
Tuesday	Nov. 26	Monday	Dec. 9

The Court will sit at ten o'clock every day.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Common Pleas.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir WILLIAM ERLE, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, in and after Michaelmas Term, 1861.

IN TERM.

Middlesex.		London.	
Tuesday	Nov. 5	Tuesday	Nov. 12
Thursday	Nov. 14	Monday	Nov. 18

AFTER TERM.

Middlesex.		London.	
Tuesday	Nov. 26	Monday	Dec. 9

The Court will sit during and after term at ten o'clock.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

Exchequer of Pleas.

Sittings at Nisi Prius, in Middlesex and London, before the Right Honourable Sir FREDERICK POLLOCK, Knt., Lord Chief Baron of her Majesty's Court of Exchequer, in and after Michaelmas Term, 1861.

IN TERM.

Middlesex.		London.	
1st Sitting	Monday ... Nov. 4	1st Sitting	Tuesday ... Nov. 12
2nd Sitting	Thursday .. Nov. 14	2nd Sitting	Monday ... Nov. 18
3rd Sitting	Wednesday . Nov. 20		

AFTER TERM.

Middlesex.		London.	
Tuesday	Nov. 6	Monday	Dec. 9

The Court will sit in and after term at ten o'clock.

The Court will sit in Middlesex at Nisi Prius, in term, by adjournment from day to day, until the causes entered for the respective Middlesex sittings are disposed of.

SITTINGS IN BANCO.—MICHAELMAS TERM, 1861.

Saturday,	Nov. 2	Motions and peremptory paper.
Monday,	Nov. 4	Errors, peremptory paper, and mtns.
Saturday,	Nov. 9	Criminal appls. Lord Mayor sworn.
Monday,	Nov. 11	Special paper.
Tuesday,	Nov. 12	Sheriffs nominated.
Wednesday,	Nov. 13	Special paper.
Monday,	Nov. 18	
Wednesday,	Nov. 20	

London Gazettes.

Professional Partnerships Dissolved.

TUESDAY, Oct. 22, 1861.

WRIGHT, N. C. & ALFRED FEREDAY, Attornies and Solicitors, 10, Bloomsbury-square, Middlesex (Wright & Fereday). Oct. 1. By mutual consent.

FRIDAY, Oct. 25, 1861.

DEAN, JAMES WILLIAM, & THOMAS DEAN, 23, Bloomsbury-square, Middlesex, Attorneys, Solicitors, and Conveyancers (Dean & Sons). Aug. 31. By mutual consent.

Windings-up of Joint Stock Companies.

TUESDAY, Oct. 22, 1861.

UNLIMITED IN CHANCERY.

BRITISH EXCHEQUER LIFE ASSURANCE COMPANY (REGISTERED). Vice-Chancellor Wood, on Monday, Nov. 11 at 2, will proceed to settle the list of contributories of this Company. Creditors to meet on Monday, Nov. 11 at 1.30 for the purpose of appointing creditors' representatives.

FRIDAY, Oct. 25, 1861.

UNLIMITED IN CHANCERY.

ENGLISH AND IRISH CHURCH AND UNIVERSITY ASSURANCE SOCIETY.—Petition for winding-up presented Sept. 10, will be heard before V. C. Wood, on Nov. 9. Sols. Gibbs & Tucker, 17, Clement's-lane, London.

LIMITED IN BANKRUPTCY.

DISTRICT SAVINGS BANK (LIMITED).—On Oct. 10, Herbert Harris Carman, 30, Basinghall-street, London, was appointed official liquidator.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Oct. 22, 1861.

BADGER, ISAAC, Dudley, Worcester, Esq. Nov. 21. Executor, T. Badger, The Hill, Dudley

DABBS, JAMES, Kingston Cottage, Kingston, Southampton, Gent. Nov. 30. Sol. C. H. Binstead, Portsmouth.

DENT, THOMAS WILKINSON, 14, Leinster-terrace, Hyde-park, Middlesex, Captain in her Majesty's Forces, India. Dec. 21. Booty & Butt, 1, Raymond-buildings, Gray's-inn, London.

GRIFFITH, RICHARD, 22, Bedford-street, North, Liverpool; and Senior Partner in the Firm of Griffith, Sons, & Palethorp, Liverpool, Brokers. Dec. 25. Sol. J. L. Bromfield, 23, Newgate-street, Chester.

HART, JOHN GEORGE, Stowmarket, Suffolk, Gent. Dec. 17. Sols. Joselyn & Son, Ipswich.

HASELDINE, WILLIAM, 10, Bell-yard, Gracechurch-street, London, Oilman. Dec. 2. Sol. T. Price, 24, Abchurch-lane, London.

OAKES, ANN, Bridgnorth, Salop, Spinster. Dec. 1. Sols. Potts, Gordon, & Nicholls, Bridgnorth, and J. Broughall, Shrewsbury.

FRIDAY, Oct. 25, 1861.

BRACHER, WILLIAM, Wincanton, Somerset, Cheese Dealer and Farmer. Dec. 25. Sol. E. Y. Cooper, Wincanton.

BRYDEN, WILLIAM ALEXANDER, Mayfield, Sussex, Doctor of Medicine and Surgeon. Dec. 31. Sol. W. Sprott, Mayfield.

BULGER, MARY ANNE, Granby-hill, Clifton, Bristol, Spinster. Dec. 1. Sol. F. Schultz, 4, Dyer's-buildings, Holborn, E.C.

CORFIELD, WILLIAM, Little Stretton, Salop, Farmer. Nov. 16. Sol. S. H. Kough, Shrewsbury.

GROVE, SOPHIA CATHERINE, Duke-street, Portland-place, Middlesex, Spinster. Dec. 21. Sols. Boys and Tweedie, 6, Ely-place, Holborn, Middlesex.

HUDSON, WILLIAM HECTOR, Lightcliffe, Halifax, Solicitor. Jan. 6. Sols. Rawson, George, & Wade, Kirkgate, Bradford.

JOHNSON, JOHN, Aspull, Lancashire, Coal Minor and Coal Merchant. Jan. 14. Sol. R. Leigh, Wigan.

JOHNSTON, ANDREW, Carlisle. Nov. 5. Sol. J. C. Wannop, Carlisle.

LEAKE, FREDERICK, 22, Golden-square, Westminster, and also of 3, Alexander-square, Brompton, Middlesex, Architect and Builder. Dec. 16. Sols. Taylor & Hoare, 38, Great James-street, Bedford-row.

MARTIN, JOHN HOLMAN, Enfield Lock, Middlesex, Beer Retailer. Dec. 28. Sols. Jessopp and Siddall, Waltham Abbey, Essex.

MENDS, WILLIAM FISHER, Island of Barbadoes, Deputy Commissary General to her Majesty's Forces. Jan. 1. Sols. Boys & Tweedie, 6 Ely-place, Holborn.

MILNER, ELIZABETH, Wade-lane, Leeds. Widow. Dec. 6. Sols. Butler & J. E. Smith, 4, Park-row, Leeds.

MOORHOUSE, EDWIN, Ashton-under-Lyne, Lancashire, Reed Manufacturer. Dec. 26. Sols. J. H. Dearden, 34, Cooper-street, Manchester.

OLDFIELD, ANN, Horton, Bradford, Widow. Dec. 16. Sols. Rawson, George, & Wade, Kirkgate, Bradford.

READ, THOMAS, 9, Portland-place, Leamington Priors, Warwickshire, formerly of Bedford-street, Leamington Priors. Dec. 18. Sols. James & Curtis, 23, Ely-place, London.

SILLS, CATHERINE, Fishery, Maidenhead, Berks, Widow. Nov. 30. Sols. C. & J. Allen & Son, 17, Carlisle-street, Soho-square.

WADDINGTON, Joshua, Grosvenor House, Upper Marine-terrace, and 14, Cecil-square, Margate, Kent, Surgeon. Jan. 20. Sols. Brooke, Mertens, & Hughes, Margate, Kent.

WARD, JAMES, Ollerton, Nottingham, Farmer. Dec. 9. Sols. Woodcock, Mansfield, Notts.

Deeds registered pursuant to Bankruptcy Act, 1861.

TUESDAY, Oct. 22, 1861.

JOHN DICKINSON, Alnwick, Northumberland, Tailor and Innkeeper. Oct. 14. Composition. Reg. Oct. 18.

FRIDAY, Oct. 25, 1861.

BAILEY, HENRY JOHN, Coventry, Professor of Music. Oct. 21. Assignment. Reg. Oct. 25.

GRIEVES, JAMES, 17, Gracechurch-street, London, Merchant. Oct. 12. Composition. Reg. Oct. 22.

PAXMAN, WILLIAM, THOMAS WOODGATE, and ANTHONY BENNETT ROBINSON, Dyers and Finishers, Althorp House, Church street, Battersea, Surrey, and 10, Staining-lane, London (Paxman, Woodgate, and Company). Oct. 14. Assignment. Reg. Oct. 23.

VAUGHAN, WILLIAM DAVID, Liverpool, Soap Boiler. Oct. 21. Assignment. Reg. Oct. 24.

WEST, WILLIAM, Weston-super-Mare, Somersetshire, Plumber and Glazier. Oct. 16. Assignment. Reg. Oct. 22.

Assignments for Benefit of Creditors.

TUESDAY, Oct. 22, 1861.

DURANT, JOHN POPE, of Ventnor, Isle of Wight, Watchmaker. Sept. 25. Sol. J. W. Matthews, Plymouth.

HUNT, JAMES, Sheffield, Plumber and Glazier. Sept. 24. Sol. B. Wake, Sheffield.

LAWRENCE, WILLIAM, Much Hadham, Herts, Builder. Oct. 15. Sol. J. M. Richardson, Much. Hadham, Herts.

WELSFORD, ARTHUR, Upper Paul-street, Exeter, Printer. Oct. 1. Sol. W. J. Sparkes, Crediton, Devon.

WILSON, CHARLES ROBINSON, 1, Skinner-street, Snow-hill, London, Boot and Shoe Manufacturer. Sept. 26. Sol. W. J. Scott, 4, Skinner-street, Snow-hill, London.

FRIDAY, Oct. 25, 1861.

HASLER, JOHN, Paul's-wharf, Thames-street, London, Lightterman. Oct 4. Sol. J. Hooker, jun., 30, Bartlett's-buildings, London.

SWINNOCK, AUGUSTUS, 29, Addle-street, London, Shirt-front and Stock Manufacturer. Oct. 1. Sols. Wild & Barber, 10½, Ironmonger-lane, London.

WEBB, JAMES, Stockport, Cheshire, Draper. Oct. 2. Sol. W. Smith, Stockport.

Bankrupts.

TUESDAY, Oct. 22, 1861.

ATKINS, JAMES, 29, Archer-street, Kensington-park, Notting-hill, Middlesex, Butcher. Pet. Oct. 15. Registrar, Winslow: first meeting Nov. 1 at 3; Basinghall-street. Off. Ass. Pennell. Sol. T. Wells, 47, Moorgate-street, London.

AUSTIN, RICHARD BARNES, Berrington-house, Tenbury, Worcestershire, Gent. Pet. Oct. 18. Registrar, Wilson: first meeting, Nov. 1 at 11; Birmingham. Off. Ass. Kinnear. Sols. Hodgson & Allen, 13, Waterloo-street, Birmingham, or T. Pain, Banbury.

BALDRY, GEORGE, Chesterton, Cambridgeshire, Farmer. Pet. Oct. 17. Registrar, Winslow: first meeting, Nov. 2 at 12; Basinghall-street. Off. Ass. Pennell. Sols. W. B. Farrant, Bond-court, Walbrook, London, or Whitehead & French, Cambridge.

BARWICK, EDWARD, 9, Union-court, Old Broad-street, London, Lithographer and General Printer. Pet. Oct. 18 (in formâ pauperis). Registrar, Abrahall: first meeting, Nov. 1 at 12; Basinghall-street. Off. Ass. Bell.

BOOTH, WILLIAM, late of Fordham, Cambridgeshire, but now of Worlington, Suffolk, Farmer. Registrar, Miller: first meeting, Nov. 4, at 1; Basinghall-street. Off. Ass. Edwards. Sol. C. Richardson, 15, Old Jewry-chambers, London.

CARGILL, CLEMENTINA, 34, The College, Bromley, Kent, Widow. Pet. Oct. 18. Registrar, Winslow: first meeting, Nov. 4 at 12; Basinghall-street. Off. Ass. Pennell. Sol. G. T. Davies, 43, Mincing-lane, London.

CHIBB, WILLIAM, a Prisoner in the Queen's Prison, and lately carrying on business at 41, Moorgate-street, London. Pet. Oct. 15 (in formâ pauperis). Registrar, Abrahall: first meeting, Nov. 2 at 12; Basinghall-street. Off. Ass. Johnson.

DICEY, EDWARD JAMES STEPHEN, late of Boulogne-sur-Mer, France, previously thereto of 19, Golden-square, Middlesex, and now of 373, Strand, formerly a Director of a Joint Stock Company. Pet. Oct. 22. Registrar, Hazlitt: first meeting, Nov. 5 at 11: Basinghall-street. Off. Ass. Graham. Sols. Lawrance, Plews, & Boyer, 14, Old Jewry chambers, London.

DUMMLER, ALBERT, 2, Grove Hill-terrace, the Grove, Camberwell, Surrey. Pet. Oct. 18. Registrar, Winslow: first meeting, Nov. 4 at 2; Basinghall-street. Off. Ass. Pennell. Sols. Linklaters & Hackwood, 7, Walbrook, London.

EVANS, JOSEPH, 15, Ridgway-place, Wimbledon, Surrey, and Myrtle Villa, Bedford-road, Clapham, Surrey, Builder. Pet. Oct. 12. Registrar, Winslow: first meeting, Nov. 2 at 1; Basinghall-street. Off. Ass. Pennell. Sol. S. A. Kisch, 8, Lancaster-place, Strand, London.

GOODHEIM, SAMPSON, Manchester, Cloth Cap Manufacturer. Pet. Oct. 17. Registrar, Simons: first meeting, Nov. 6 at 12; Manchester. Off. Ass. Hernaman. Sols. Slater & Myers, Fountain-street, Manchester.

HALL, SAMUEL WILLIAM, Grove, East Dulwich, Surrey, Gent. Pet. Oct. 21. Registrar, Hazlitt: first meeting, Nov. 4 at 3; Basinghall-street. Off. Ass. Graham. Sols. Surr & Gribble, 12, Abchurch-lane, London.

HAWTHORN, JOHN, Bursiem, Stafford, Builder. Pet. Oct. 19. Registrar Wilson: first meeting, Nov. 2, at 11; Birmingham. Off. Ass. Whitmore. Sol. J. Smith, Waterloo-street, Birmingham.

HENDRY, WILLIAM THOMAS, 71, Cannon-street, West, London, Ironmonger, and Commission Agent. Pet. Oct. 15. Registrar, Winslow: first meeting, Nov. 1, at 2; Basinghall-street. Off. Ass. Pennell. Sol. B. Bodman, 18, Cannon-street, London.

HOWELL, JOHN WILSON, Tottenham, Middlesex, Builder. Pet. Oct. 15. Registrar, Winslow: first meeting, Nov. 1, at 1; Basinghall-street. Off. Ass. Pennell. Sols. Shaen & Roscoe, 8, Bedford-row, London.

IVENS, JOHN, Water Eaton, Bletchley, Bucks, Farmer and Cattle Dealer. Pet, Oct. 19. Registrar, Higgins: first meeting, Nov. 2, at 2; Basinghall-street. Off. Ass. Cannan. Sols. Messrs. Field, 40, Elyplace, Holborn.

JENKS, LOUISA, Lewisham-hill, Kent, Widow. Pet. Oct. 18. Registrar, Abrahall: first meeting, Nov. 1; Basinghall-street. Off. Ass. Bell. Sol. Wells, Moorgate-street.

KNIGHT, WILLIAM, 10, Baker-street, Walworth-road, Camberwell, and late of 7, Bishopsgate-buildings, Bishopsgate-street, London, Hair Dresser. Pet. Oct. 18 (in formâ pauperis). Registrar, Hazlitt: first meeting, Nov. 2, at 2; Basinghall-street. Off. Ass. Stansfeld.

LEA, JOHN, formerly of Sewardstone, and now of 4, Essex-street, Forest Gate, Essex. Pet. Oct. 15. Registrar, Winslow: first meeting, Nov. 2 at 1; Basinghall-street. Off. Ass. Pennell. Sols. Linklater & Hackwood, 7, Walbrook, London.

LEIGH, HENRY JONES, 78, Leather-lane, Holborn, Middlesex, Draper. Pet. Oct. 18. Registrar, Miller; first meeting, Nov. 4 at 3: Basinghall-street. Off. Ass. Edwards. Sols. Sole, Turner, & Turner, 68, Aldermanbury, London.

MATTHEWS, MILES, Navigation-street, Birmingham, Licensed Victualler. Pet. Oct. 14. Registrar, Wilson; first meeting, Nov. 2, at 11: Birmingham. Off. Ass. Whitmore. Sols. East & Parry, Ann-street, Birmingham.

MILLER, JOHN, 56½, Golden-lane, Barbican, Middlesex, Baker. Pet. Oct. 21. Registrar, Abrahall, first meeting: Nov. 4 at 1; Basinghall-street. Off. Ass. Bell. Sol. Harcourt, 2, Kings Arms-yard, Coleman-street.

MORECRAFT, EDWIN, 31, Burlington-arcade, Piccadilly, Middlesex, Picture Dealer. Pet. Oct. 18. Registrar, Winslow, first meeting: Nov, 4 at 2; Basinghall-street. Off. Ass. Pennell. Sol. W. Philp, 26, Bucklersbury, London.

OSBORN, WILLIAM HENRY, late of 40, Broad-street-buildings, London, Accountant and Commission Agent. Pet. Oct. 18. Registrar, Higgins, first meeting: Nov. 2 at 12; Basinghall-street. Off. Ass. Cannan.

PAULL, JOSEPH, Sexley Farm, Upper Clatford, Hants, Farmer. Pet. Oct. 17. Registrar, Miller, first meeting: Nov. 2 at 12; Star Hotel, Andover. Off. Ass. Edwards. Sols. Paterson & Sons, 7, Bouverie-street, London; or W. H. Mackey, Southampton.

PELL, JONATHAN, Cefn-Gwyn, near Aberystwith, Llanbardarnfawn, Cardigan, Mining Agent. Pet. Oct. 18. Nov. 1 at 11; Bristol. Off. Ass. Acraman. Sol. P. Vaughan, Lampeter, Cardigan; or Clark, Fussell, & Prichard, Clare-street, Bristol.

SMITH, JOSEPH, 38, Lombard-street, London, Tailor and Draper. Pet. Oct. 17. Registrar, Higgins, first meeting: Nov. 8 at 11; Basinghall-street. Off. Ass. Cannan. Sols. Brown & Godwin, 21, Finsbury-place.

SMITHIES, CHARLES, 4, Warwick-place, Leeds, Commercial Agent. Pet. Oct. 19. Registrar, Wilde, first meeting: Nov. 5 at 11; Leeds. Off. Ass. Hope. Sol. B. C. Pullan, Leeds.

SOFTLEY, JOHN TEASDALE, 2 Camden-row, Camden-town, Middlesex, afterwards of 1, Somerset-terrace, South-fields, Wandsworth, and now of High-street, Wandsworth, Surrey, Plumber, Glazier and Beerseller. Pet. Oct. 17. Registrar, Miller: first meeting, Nov. 1 at 11; Basinghall-street. Off. Ass. Edwards. Sol. R. H. Munday, 43, Burton-crescent, London.

SOWERBY, JOSEPH, & CHARLES THOMAS TATTON, 272, Regent-circus, Oxford-street, Middlesex, Drapers (Sowerby, Tatton, & Co.). Pet. Oct. 17. Registrar, Miller: first meeting, Nov. 2 at 11; Basinghall-street. Off. Ass. Edwards. Sols. Ashurst, Son, & Morris, 6, Old Jewry, London.

STEVENS, JOHN, 1, Castle-terrace, New Hampstead-road, Kentish Town, and 3, Lonsdale-road, Bayswater, Middlesex, Builder and Contractor. Pet. Oct. 19 (in formâ pauperis). Registrar, Hazlitt: first meeting, Nov. 2 at 3; Basinghall-street. Off. Ass. Stansfeld.

STONEHOUSE, RICHARD CARR, Darlington, Durham, Corn Factor and Agent, and Corn Miller. Pet. Oct. 17. Registrar, Gibson: first meeting, Nov. 1 at 11.30; Newcastle-upon-Tyne. Off. Ass. Baker. Sol. H. Stony, Newcastle-upon-Tyne.

SUMPTON, JOSEPH, Uxbridge-road, Ealing, Middlesex, Corn Chandler and Seedsman. Pet. Oct. 17. Registrar, Winslow: first meeting, Nov. 1 at 11; Basinghall-street. Off. Ass. Pennell. Sol. C. J. Mander, 9, Lincoln's-inn, London.

TOMLINSON, JOHN, and JOHN SHARPLES, Granby-row, Manchester, Joiners and Builders (Tomlinson & Sharples). Pet. Oct. 12. Registrar, Simons: Nov. 6, at 12; Manchester. Off. Ass. Fraser. Sol. E. Storer, Fountain-street, Manchester.

URIE, ROBERT, Manchester, Joiner and Packing Case Maker. Pet. Sept. 20. Com. Jemmett: Nov. 7 and 28 at 12; Manchester. Off. Ass. Hernaman. Sol. W. L. Welsh, Manchester.

WATSON, RICHARD, Belle Vue Tavern, Windmill-hill, Gravesend, Licensed Victualler. Pet. Oct. 21. Registrar, Abrahall: first meeting, Nov. 4 at 11; Basinghall-street. Off. Ass. Bell. Sols. Harrison & Lewis, Old Jewry, London.

WILMHURST, GEORGE, Birmingham, Surgeon and Apothecary. Pet. Oct. 18. Registrar, Wilson: first meeting, Nov. 1, at 11: Birmingham. Off. Ass. Whitmore. Sols. East and Parry, 45, Ann-street, Birmingham.

WILLIAMS, JOHN, formerly of Swansea, Glamorgan, Printer, Bookseller, and Stationer, late of Paris, France, and now of 31, King-street, Bloomsbury, Middlesex. Pet. Oct. 16. Registrar, Higgins; first meeting, Nov. 1, at 12: Basinghall-street. Off. Ass. Cannan. Sol. T. Keene, 77, Lower Thames-street.

WILSON, JOHN, 19, Edgeware-road, Middlesex, Refreshment and Coffee-house keeper. Pet. Oct. 18. Registrar, Miller; first meeting, Nov. 1, at 1: Basinghall-street. Off. Ass. Edwards. Sol. J. T. Treherne, 17, Gresham-street, London.

WOOD, GEORGE, Monkwearmouth, Sunderland, and East Boldon, Timber Merchant. Pet. Oct. 18. Registrar, Gibson; first meeting, Nov. 5, at 12.30: Newcastle-upon-Tyne. Off. Ass. Baker. Sol. Ralph Sismey, Sunderland.

FRIDAY, Oct. 25, 1861.

BARNES, JOSEPH WALTON, Ouseburn, Newcastle-on-Tyne, Fire Brick Manufacturer. Pet. Oct. 22. Registrar, Gibson: first meeting, Nov. 5 at 11; Newcastle-upon-Tyne. Off. Ass. Baker. Sols. T. W. Stewart, Newcastle-upon-Tyne; Shum & Crossman, 3, Kings-road, Bedford-row, London, W.C.

BENNETT, THOMAS, formerly of 22, Ann-street, Birmingham, and 1 Victoria-street, Holborn, Middlesex, and now of 14, Albert-street, Surrey Gardens, Surrey, and 11, Poultry London, Sewing Machinist. Pet. Oct. 22. Registrar, Miller: first meeting, Nov. 6 at 10; Basinghall-street. Off. Ass. Edwards.

BICKNELL, JOSEPH, 49, Moorgate-street, and 147, Fenchurch-street, London, Merchant. Pet. Oct. 22 (in formâ pauperis). Registrar, Higgins: first meeting, Nov. 6 at 10; Basinghall-street. Off. Ass. Cannan.

BIRD, ROBERT, Marsh-street, Ashford, Kent, Plumber, Painter, and Glazier. Pet. Oct. 23. Registrar, Abrahall: first meeting, Nov. 6 at 12; Basinghall-street. Off. Ass. Johnson. Sols. Nichols & Clark, Cook's-court, Lincoln's-inn.

BOLT, GEORGE, 1, Cirencester-street, Paddington, Middlesex, Tailor. Pet. Oct. 16. Registrar, Hazlitt: first meeting, Nov. 5 at 2; Basinghall-street. Off. Ass. Graham. Sol. W. C. Hall, 49A, Lincoln's-inn-fields, London.

BOWEN, SAMUEL, West Bromwich, Staffordshire, Glass Dealer. Pet. Oct. 12. First meeting, Nov. 11 at 11; Birmingham. Off. Ass. Whitmore. Sols. James & Knight, and E. Sargant, Birmingham.

BRAHAM, HENRY JAMES, 17, Thavies-inn, Holborn, Middlesex, and of Chatham, Commission Agent. Pet. Oct. 22 (in formâ pauperis). Registrar, Winslow: first meeting, Nov. 7 at 12; Basinghall-street. Off. Ass. Pennell.

BROWN, THOMAS, Ilkestone, Derbyshire, Contractor and Higgler. Pet. Oct. 23. Registrar, Ingle: Nov. 6 at 11; County Court, Belper, Derbyshire. Off. Ass. Ingle. Sol. J. Shaw, Derby.

BURROWS, WILLIAM, jun., Westow-street, Upper Norwood, Surrey, Furniture Dealer and Mattras Maker. Pet. Oct. 24. Registrar, Abrahall: first meeting, Nov. 7 at 3; Basinghall-street. Off. Ass. Bell. Sol. Marshall, Hatton-garden.

CLARK, JOHN, 41, Princess-street, Stamford-street, Lambeth, Surrey, Carman and Contractor. Pet. Oct. 14. Registrar, Hazlitt: first meeting, Nov. 11 at 11; Basinghall-street. Off. Ass. Graham. Sol. F. Norton, 10, Clifford's-inn, London.

CLARK, WILLIAM OBADIAH, 1, Gate-street, Upper North-street, Poplar, Middlesex, Baker and Corn Dealer. Pet. Oct. 24. Registrar, Miller: Nov. 7 at 1; Basinghall-street. Off. Ass. Edwards. Sol. J. T. Elmslie, 10, Lombard-street, London.

CLARKE, WILLIAM HENRY, 3, Vernon-place, Bloomsbury-square, Middlesex, Engineer and Contractor for Army Field Kitchen Cooking Apparatus and Appurtenances, and Accountant. Pet. Oct. 21. Registrar, Miller: first meeting, Nov. 5 at 11; Basinghall-street. Off. Ass. Edwards.

CLARKE, JOHN, Norfolk-square, Glossop, Derbyshire, Tailor and Draper. Pet. Oct. 17. Registrar, Wilde: first meeting, Nov. 8 at 12; Manchester. Off. Ass. Pott. Sol. E. Storer, Fountain-street, Manchester.

CHAUNCY, REGINALD, 24, Sussex-street, Pimlico, Middlesex, a Retired Officer of the Honourable East India Company's Service. Pet. Oct. 21 (in formâ pauperis). Registrar, Higgins: first meeting, Nov. 4 at 1; Basinghall-street. Off. Ass. Cannan.

CRABB, JOHN AUGUSTUS, Trevor-terrace, Knightsbridge, Portman-place, London, and Tonbridge, Kent, Watchmaker, Perfumer, Stationer, and

Dealer in Fancy Goods. Pet. Oct. 22. Registrar, Miller: first meeting, Nov. 5 at 12; Basinghall-street. Off. Ass. Edwards.

CURTIS, EDWARD, Bloxworth, Dorsetshire, Coal and Coke Merchant. Pet. Oct. 22. Registrar, Carew: first meeting, Nov. 5 at 1; Exeter. Off. Ass. Hirtzel. Sols. J. H. Terrell, Exeter, or G. Symonds, Dorchester.

DAUBENY, ROBERT CLAYTON, 10, Upper Fitzroy-street, Fitzroy-square, Middlesex, late an Officer in the Mercantile Marine Service. Pet. Oct. 22. Registrar, Higgins: first meeting, Nov. 6 at 12; Basinghall-street. Off. Ass. Cannan. Sol. W. J. Hutchinson, 6, Vernon-street, Pentonville.

DONE, EDWIN, Callender-street, Manchester, Hessian Dealer. Pet. Oct. 23. Registrar, Wilde: first meeting, Nov. 8 at 12; Manchester. Off. Ass. Pott. Sols. Atkinson & Hertford, Manchester.

DUFAUR, ANTONINE, a Pauper, formerly an Attorney and Solicitor at 3, Bedford-row, Holborn, Middlesex. Pet. Oct. 23. Registrar, Abrahall: first meeting, Nov. 7 at 2; Basinghall-street. Off. Ass. Johnson.

EDWARDS, JOHN, 33, Upper North-place, Gray's-inn-road, Middlesex, Tailor. Pet. Oct. 22. Registrar, Winslow: first meeting, Nov. 5 at 10; Basinghall-street. Off. Ass. Pennell. Scl. J. Rae, 9, Mincing-lane, London.

FARRAR, CHARLES, 17, Moor-terrace, Park-road, Old Kent-road, Surrey, Manufacturing Chemist. Pet. Oct. 21. Registrar, Miller: first meeting, Nov. 4 at 2; Basinghall-street. Off. Ass. Edwards.

FOSTER, CHARLES THOMAS, Northumberland Arms Public-house, Fashion-street, Spitalfields, Middlesex, Licensed Victualler. Pet. Oct. 24. Registrar, Abrahall: first meeting, Nov. 7, at 1; Basinghall-street. Off. Ass. Bell.

FRANKS, THOMAS, 9, Oak-village, Kentish-town, Middlesex, Baker. Pet. Oct. 18 (in formâ pauperis). Registrar, Hazlitt: first meeting, Nov. 5 at 1; Basinghall-street. Off. Ass. Graham.

FOSTER, HENRY, 26, Albion-place, Hanley, Burslem, and Tunstall, Stoke-upon-Trent, Staffordshire, Insurance Agent. Pet. Oct 18. Registrar, Challinor: Nov. 6 at 10; County Court, Lamb-street, Hanley. Off. Ass. Challinor. Sol. R. W. Litchfield, Newcastle-under-Lyme.

GILLER, JAMES, 23, Little Marylebone-street, Marylebone, Middlesex, Painter. Pet. Oct. 21. Registrar, Hazlitt: first meeting, Nov. 6 at 1; Basinghall-street. Off. Ass. Stansfeld. Sol. J. Wyatt, 11, King's-road, Bedford-row, London.

GILES, JOHN, Ringleston, near Hollingbourne, Kent, Licensed Victualler and Farmer. Pet. Oct. 23. Registrar, Miller: first meeting, Nov. 6 at 2, Basinghall-street. Off. Ass. Edwards. Sols. Langford & Marsden, 59, Friday-street, Cheapside, London.

GODFREY, GEORGE, 2A, Brompton-terrace, Brompton, Middlesex, Grocer and Tea Dealer. Pet. Oct. 22. Registrar, Winslow: first meeting, Nov. 7 at 11; Basinghall-street. Off. Ass. Pennell. Sol. H. E. Vocles, 16, Gresham-street, London.

GREGO, ROBERT ARTHUR SARSFIELD, Wooburn House, Wooburn-park, Bucks, Schoolmaster. Pet. Oct. 23. Registrar, Miller: first meeting, Nov. 6 at 11; Basinghall-street. Off. Ass. Edwards. Sol. S. Smith, jun., 6, Barnard's-inn, London.

GREEN, SAMUEL, 7, Wilton-terrace, Park-road, Dalston, Middlesex, late a Clerk in the Inland Revenue Office. Pet. Oct. 19. Registrar, Miller: first meeting, Nov. 5 at 11; Basinghall-street. Off. Ass. Edwards. Sol. J. Leete, 35, Lincoln's-inn-fields, London.

HALL, GEORGE, 16, Barker-street, Longton, Stoke-upon-Trent, Staffordshire, Tailor. Pet. Oct. 15. Registrar, Keary: Nov. 5 at 10; County Court, Stoke-upon-Trent. Off Ass. Keary. Sol. R. N. Litchfield, Newcastle-under-Lyme.

HARRIS, BARNETT, 86, Porter-street, Kingston-upon-Hull, Cabinet Maker. Pet. Oct. 23. Kingston-upon-Hull. Off. Ass. Carrick. Sol. F. F. Ayre, Kingston-upon-Hull.

HAMMERSLEY, GEORGE, 32, Gloucester-street, Clerkenwell, Grocer, Cheesemonger, and General Dealer. Pet. Oct. 23. Registrar, Miller: first meeting, Nov. 6 at 11; Basinghall-street. Off. Ass. Edwards. Sol. N. C. Gold, 2, Whitefriars-street, London.

HEARNE, ALGERNON JOHN, 13, Nicholl-square, Falcon-square, London, Printer. Pet. Oct. 23 (in formâ pauperis). Registrar, Higgins, first meeting: Nov. 6 at 1; Basinghall-street. Off. Ass. Cannan.

HOGAN, ROGER, 48, Upper Marylebone-street, Marylebone, Middlesex, Taylor and Lodging-house Keeper. Pet. Oct. 24. Registrar, Higgins: first meeting, Nov. 7 at 1; Basinghall-street. Off. Ass. Cannan. Sol. S. Tripp, 2, Danes-inn, Strand.

HORWITZ, BERNHARD, 67, Newgate-street, London, Importer of Foreign Goods. Pet. Oct. 23. Registrar Hazlitt: first meeting, Nov. 6, at 1; Basinghall-street. Off. Ass. Graham. Sol. J. S. Salaman, 29, St. Swithin's-lane, London.

HUTSON, GEORGE, 34, King-street, Regent-street, Middlesex, Licensed Victualler. Pet. Oct. 24. Registrar, Higgins: first meeting Nov. 7, at 12; Basinghall-street. Off. Ass. Cannan. Sol. B. Brooke, 1, New-inn, Strand.

JENKINSON, JOHN, 3, Wellington-row, Bethnal Green, Shoemaker. Pet. Oct. 23 (in formâ pauperis). Registrar, Higgins: first meeting, Nov. 6 at 2; Basinghall-street. Off. Ass. Cannan.

JEBRAM, JOHN, Nottingham, Hosier's Assistant. Pet. Oct. 22. First meeting, Nov. 5 at 11; Nottingham. Off. Ass. Harris. Sol. J. Ashwell, Middle pavement, Nottingham.

JONES, WILLIAM, 41, Gloucester-street, Commercial Road East, Middlesex, Carpenter and Builder, 2, Prospect-place, Mile-end-road, Fancy Stationer. Pet. Oct. 22. Registrar, Hazlitt: first meeting, Nov. 5, at 2; Basinghall-street. Off. Ass. Graham. Sols. Linklaters and Hackwood, 7, Walbrook, London.

JONES, WILLIAM CARDEN, Queen's Prison. Pet. Oct. 21 (in formâ pauperis). Registrar, Hazlitt: first meeting, Nov. 7 at 3; Basinghall-street. Off. Ass. Graham.

KNOTT, JAMES, Atlas Glass Works, Emerson-street, Bankside, Surrey, Glass Manufacturer. Pet. Oct. 22. Registrar, Higgins: first meeting, Nov. 5 at 3; Basinghall-street. Off. Ass. Cannan. Sol. H. Waller, 2, Duke-street, Adelphi.

LAWTON, JOHN, 40A, Mount-street, Middlesex, Foreign Agent. Pet. Oct. 17. Registrar, Higgins: first meeting, Nov. 4 at 11; Basinghall-street. Off. Ass. Cannan. Sol. J. Jones, 15, South-square, Gray's-inn.

LEE, JOSEPH, Billiter-square, London, News Agent and Bookseller. Pet. Oct. 18. Registrar, Abrahall: first meeting, Nov. 4 at 10; Basinghall-street. Off. Ass. Johnson.

LEVI, BARNET, & GEORGE LEVI, 57, Great George-street, Liverpool, Watchmakers (B. Levi & Son). Pet. Oct. 23. Registrar, Lee: first meeting, Nov, 6 at 11; Liverpool. Off. Ass. Morgan. Sols. Dodge & Wynne, 7, Union-court, Castle-street, Liverpool.

MASSEY, JAMES, Weston-super-Mare, Somerset, Builder. Pet. Oct. 23. Registrar, Orme: first meeting Nov. 5 at 11; Bristol. Off. Ass. Acraman. Sols. Clifton & Benson, Broad-street, Bristol.

MCCAUGHIE, GEORGE, 18, Trafalgar-terrace, Mortimer-road, De Beauvoir-square, Kingsland, Middlesex, Commercial Traveller. Pet. Oct. 22. Registrar, Abrahall: first meeting, Nov. 5 at 1; Basinghall-street. Off. Ass. Johnson. Sol. Stocken, 61, Cornhill.

MILES, CHARLES, Frome Selwood, Somerset, Innkeeper. Pet. Oct. 22. Registrar, Orme: first meeting Nov. 4 at 12; Bristol. Off. Ass. Miller. Sols. S. Wittey, Devizes, or Abbott, Lucas, & Leonard, Bristol.

NEWMAN, WILLIAM, 9, Dyer's-buildings, Holborn, London, Attorney-at-Law. Pet. Oct. 23 (in formâ pauperis). Registrar, Winslow: first meeting, Nov. 7 at 3; Basinghall-street. Off. Ass. Pennell

NICKLIN, THOMAS, Newcastle-street, Burslem, Staffordshire, Pianoforte and Cabinet Maker, and Upholsterer. Pet. Oct. 21. Registrar, Challinor: Nov. 6 at 11; County Court, Hanley. Off. Ass. Challinor. Sol. D. S. Sutton, Burslem.

PARRY, OWEN, 2, Walbrook, London, Mining Agent. Pet. Oct. 22 (in formâ pauperis). Registrar, Higgins: first meeting, Nov. 6 at 10; Basinghall-street. Off. Ass. Cannan.

PLASTER, ROBERT, Bampton, Oxfordshire, Builder. Pet. Oct. 21. Registrar, Winslow: first meeting, Nov. 7 at 11; Basinghall-street. Off. Ass. Pennell. Sols. Harrison & Lewis, 6, Old Jewry, London.

POTTER, THOMAS GREVILLE, 11, Oxford-street, Middlesex, and 6, Granby-street, Hampstead-road, Dealer in Lamps. Pet. Oct. 23. Registrar, Abrahall: first meeting, Nov. 6 at 3; Basinghall-street. Off. Ass. Bell. Sol. Dubois, 39, Moorgate-street.

PRITCHARD, WILLIAM, High-street, Acton, Middlesex, Carpenter, Joiner, and Undertaker. Pet. Oct. 24. Registrar, Winslow: first meeting, Nov. 7 at 12; Basinghall-street. Off. Ass. Pennell. Scl. J. J. Holt, Quality-court, Chancery-lane, London.

QUARMBY, WILLIAM, Ashton-under-Lyne, Bookseller. Pet. Oct. 22. Registrar, Simons: first meeting, Nov. 5 at 12; Manchester. Off. Ass. Hernaman. Sols. Brooks, Marshall, & Brooks, Manchester, and Ashton-under-Lyne.

RADCLIFFE, JOSEPH, Liverpool, Ale and Porter Merchant. Pet. Oct. 24. Registrar, Lee: first meeting, Nov. 7 at 11; Liverpool. Off. Ass. Morgan. Sols. Woodburn & Pemberton, Royal Bank-buildings, Liverpool.

RENDER, RICHARD, Willington, Durham, Draper. Pet. Oct. 15. Registrar, Gibson: first meeting, Nov. 6 at 12.30; Newcastle-upon-Tyne. Off. Ass. Baker. Sol. H. Story, Newcastle-upon-Tyne.

RICHARDS, MARTHA AUGUSTA ARTHUR, 13, Chester-street, Belgrave-square, Middlesex, Spinster. Pet. Oct. 21. Registrar, Higgins: first meeting, Nov. 4 at 12; Basinghall-street. Off. Ass. Cannan. Sol. H. Braddon, 5, Dane's-inn, Strand.

RICHARDS, JOHN RICHARD, 20, West-street, Bermondsey, Surrey, Grocer and Pork Butcher, and late of 36, King-street, Margate, Kent. Pet. Oct. 23. Registrar, Abrahall: first meeting, Nov. 6 at 1; Basinghall-street. Off. Ass. Johnson. Sol. Buchanan, 13, Basinghall-street.

ROSS, JAMES REGENT, Buccleugh-road West, Dulwich, Surrey, Commission Agent. Pet. Oct. 23. Registrar, Winslow: first meeting, Nov. 7 at 2; Basinghall-street. Off. Ass. Pennell. Sol. J. Appleyard, 10, Symond's-inn, London.

ROWBOTHAM, SAMUEL, late 324, Queen's-road, Chelsea, Middlesex, Soap Boiler and Physician. Pet. Oct. 22 (in formâ pauperis). Registrar, Hazlitt: first meeting, Nov. 4, at 3; Basinghall-street. Off. Ass. Stansfeld.

SAWYER, JOSEPH, 152, High Holborn, Middlesex, Licensed Victualler. Pet. Oct. 22 (in formâ pauperis). Registrar, Winslow: first meeting Nov. 5, at 3; Basinghall-street. Off. Ass Pennell.

SALMON, HENRY, 67, Haymarket, Middlesex, late Tobacconist and Billiard Table Proprietor. Pet. Oct. 22. Registrar, Abrahall: first meeting Nov. 5, at 3; Basinghall-street. Off. Ass. Bell. Sol. H. M. Sidney, Circus-place, Finsbury.

SCHOFIELD, JOHN, Nottingham, Bootmaker. Pet. Oct. 22. First meeting Nov. 5, at 11; Nottingham. Off. Ass. Harris. Sol. J. Coope, Fletcher-gate, Nottingham.

SIMISTER, JOSEPH, Manchester, Baker and Confectioner. Pet. Oct. 22. Registrar, Simons: first meeting Nov. 5, at 12; Manchester. Off. Ass. Pott. Sol. W. H Partington, Manchester.

SNOW, WILLIAM GEORGE, 2, Pomona-place, Staines-road, Hounslow, Middlesex, Carrier's Clerk. Pet. Oct. 21. Registrar, Winslow: first meeting Nov. 6 at 2; Basinghall-street. Off. Ass. Pennell. Sol. H. D. Rushbury, 32, Coleman-street, London.

STEVENSON, JOHN, & ROBERT STEVENSON, Walsden, Lancaster, Cotton Manufacturers (John & Robert Stevenson). Pet. Oct. 12. Registrar, Wilde: first meeting, Nov. 7 at 12; Manchester. Off. Ass. Hernaman. Sols. Richardson & Hinnell, Manchester and Bolton.

TAIT, ROBERT, Skipton, Yorkshire, Clog Maker. Pet. Oct. 22. Nov. 5 at 11; Leeds. Off. Ass. Hope. Sols. Terry & Watson, Bradford; or Bond & Barwick, Leeds.

THORN, THOMAS, 7, Highfield-terrace, Gloucester-place, Kentish-town, Middlesex, Clerk to an Attorney. Pet. Oct. 24. Registrar, Miller: first meeting, Nov. 7 at 2; Basinghall-street. Off. Ass. Edwards. Sol. G. F. Mant, 5, Great James-street, Bedford-row, London.

TUNNICLIFF, CHARLES, Tamworth, Draper. Pet. Oct. 24. First meeting, Nov. 7 at 11: Birmingham. Off. Ass. Kinnear. Sols. Powell & Son, Birmingham; or W. Knight, Birmingham.

WARDLEWORTH, ABRAHAM, Crumpsall, Manchester, Dyer. Pet. Oct. 22. First meeting, Dec. 20 at 12; County Court, Manchester. Off. Ass. Kay.

WARBURST, GEORGE, Leigh, Lancashire, Ironmonger and Factor. Pet. Oct. 14. Registrar, Simons: first meeting, Nov. 4 at 12; Manchester. Off. Ass. Hernaman. Sol. J. Miller, Nicholas-street, Bristol.

WALKER, WILLIAM, 62, Marsh-street, Hanley, Staffordshire, Beerhouse Keeper, and Grocer and Provision Dealer. Pet. Oct. 23. Registrar, Challinor: Oct. 6 at 10; County Court Office, Lamb-street, Hanley. Off. Ass. Challinor. Sol. E. Tennant, Hanley.

WEBBER, RICHARD, King's Head-street, Harwich, Essex, Baker. Pet Oct. 22. Registrar, Miller: first meeting, Nov. 5, at 11; Basinghall-street. Off. Ass. Edwards. Sol. W. W. Duffield, 71, King William-street, London, and Chelmsford, Essex.

WELCH, JAMES, 260, City Road, Middlesex, and 28, St. Mary-at-hill, Eastcheap, London, Builder and contractor. Pet. Oct. 21 (In formâ pauperis). Registrar, Hazlitt: first meeting, Nov. 4 at 10; Basinghall-street. Off. Ass. Stansfeld.

WELTON, HAZAEL, Ditchingham, Norfolk, Journeyman Machinist. Pet.

Oct. 22. Registrar, Fiske: first meeting, Nov. 5, at 11; County Court, Beccles, Suffolk. Off. Ass. Fisher. Sol. A. Kent, Beccles.

WESTBROOK, EDWARD, Hanley, Staffordshire, Grocer and Tea Dealer. Pet. Oct. 23. First meeting, Nov. 9, at 11; Birmingham. Off. Ass. Kinnear. Sols. R. W. Litchfield, Newcastle-under-Lyme, or James and Knight, Birmingham.

WHITLEY, CHARLES, Manchester, Engineer and Tool Maker. Pet. Oct. 21. Registrar, Simons: first meeting, Nov. 4 at 12; Manchester. Off. Ass. Fraser. Sol. D. Boote, Brown-street, Manchester.

WILLIAMSON, JOSEPH, Chilvers Coton, Warwickshire, Manager of Iron-works, formerly of Hazel-grove, Cheshire, Ironfounder. Pet. Oct. 24. First meeting, Nov. 7 at 11; Birmingham. Off. Ass. Whitmore. Sols. Dewes & Norton, Nuneaton; or W. H. Reece, Birmingham.

YOUNG, JOHN MARSHAL, Manchester, Merchant. Pet. Oct 16. Registrar, Wilde: first meeting, Nov. 7 at 12; Manchester. Off. Ass. Fraser. Sols. Higson & Robinson, Cross-street, Manchester.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Oct. 22, 1861.

GEORGE HILLIER Trowbridge, Wilts, Marine Store Dealer. Nov. 4, at 11; Bristol.—WILLIAM WHITE, 18, Wolsey-terrace, Kentish Town, St. Pancras, Middlesex, Builder. Nov. 1, at 12; Basinghall-street.—OSCAR FITZALLEN OWERS, 7, Sussex-terrace, Westbourne-grove, Paddington, Middlesex, Bookseller and Stationer. Nov. 2, at 12; Basinghall-street. JAMES WINTER, Rosslyn-terrace, Hampstead-road, Middlesex, Surgeon and Apothecary. Nov. 15, at 11. 30; Basinghall-street.—FREDERICK CAPLIN, 125, Drury-lane, Middlesex, Hosier and Haberdasher. Nov. 15, at 11; Basinghall-street.—JOSEPH TREVETHAN, 7, Oak-lane, Church-row, Limehouse, Middlesex, now 32, Lombard-street, London, Cooper and Packing Case Manufacturer. Nov. 14, at 12; Basinghall-street.—FRANCIS TAYLOR, Cradley Heath, Rowley Regis, Stafford, Grocer and Provision Dealer. Nov. 15, at 11; Birmingham.—WILLIAM FRANCIS LAWRENCE, West Bromwich, Stafford, Draper. Nov. 22, at 11; Birmingham.—GEORGE MOOREHOUSE, THOMAS MOOREHOUSE, WILLIAM MOOREHOUSE, & ROBERT MOOREHOUSE, Barley and Byerden Mills, near Burnley, Lancaster, Cotton Manufacturers. (George Moorhouse and Co.) joint and separate estate. Nov. 20, at 12; Manchester.—ROBERT FREELAND, Manchester, and JOHN FREELAND, Kirkintilloch, Dumbarton, Scotland, trading at Manchester, Merchants, (Robert Freeland & Bros. Nov. 19, at 12; Manchester.—JOHN HEATH BARBER AND WILLIAM HENRY ELLIS, Liverpool, Iron Merchants, (J. H. Barber and Co.) Nov. 12, at 11; Liverpool.

FRIDAY, Oct. 25, 1861.

SIMONS, EDWARD, 115, Newgate-street, London, and of 36, Bull-street, Birmingham, Lamp Dealer and Italian Warehouseman. Nov. 6 at 12.30; Basinghall-street.—GREGORY, EDWARD HENRY, & LESLEY ALEXANDER GREGORY, 32, Great Saint Helens, London, African Merchants and Shipping Brokers (Gregory Brothers). Nov. 6 at 1.30; Basinghall-street.—DULLENS, HUGO, 27, Fore-street, Cripplegate, London, General Merchant (Dullens, Grogan, & Company). Nov. 7 at 11.30; Basinghall-street.—SMITH, JOHN, Bradford, Stuff Manufacturer. Nov. 14 at 11; Leeds.—UNDERWOOD, CHARLES, 1, James-street, Covent Garden, 174, Drury Lane, and 44, Long Acre, Middlesex, Grocer. Nov. 21 at 12; Basinghall-street.—TOWNSON, THOMAS, Leamington Priors, Warwick, Chemist & Druggist, Sance & Pickle Manufacturer. Nov. 20 at 11; Birmingham.—DAY, JOHN, jun., Coventry, and of 1, Noble-street, London, Ribbon and Trimming Manufacturer. Nov. 18 at 11; Birmingham.—BROWN, WILLIAM, Cannock, Miller. Nov. 20 at 11; Birmingham.—CARRUTHERS, ROBERT, & GEORGE CARRUTHERS, Liverpool. Nov 21 at 11; Liverpool.

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METCALF HOPGOOD, Esq., Bishopsgate-street.

SOLICITORS.

Messrs. PATTESON & COBBOLD, 3, Bedford-row.

MANAGER.

CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

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THOS. FRASER, Resident Secretary.

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